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# DEBATES

OF

# THE SENATE

OF THE

# DOMINION OF CANADA

## 1906-7

REPORTED AND EDITED BY

HOLLAND BROS.

*Official Reporters of the Senate of Canada*

THIRD SESSION--TENTH PARLIAMENT

OTTAWA
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# SENATORS OF CANADA

## ALPHABETICAL LIST

*3rd SESSION, 10th PARLIAMENT, 6th-7th EDWARD VII.*

1906-7

| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS. |
|---|---|---|
| The Honourable | | |
| BAIRD, G. T. | Victoria | Perth Centre, N.B. |
| BAKER, G. B. | Bedford | Sweetsburg, Que. |
| BÉIQUE, F. L. | De Salaberry | Montreal. |
| BEITH, R. | Bowmanville | Bowmanville, Ont. |
| BERNIER, T. A. | St. Boniface | St. Boniface, Man. |
| BOLDUC, J. | Lauzon | St. Victor de Tring, Que. |
| BOSTOCK, H. | Kamloops | Monte Creek, B.C. |
| BOUCHERVILLE, DE, C.E., C.M.G. | Montarville | Boucherville, Que. |
| BOWELL, (Sir Mackenzie), K.C.M.G. | Hastings | Belleville, Ont. |
| CARLING, (Sir John), K.C.M.G. | London | London, Ont. |
| CARTWRIGHT, (Sir Richard), G.C.M.G. | Oxford | Ottawa. |
| CASGRAIN, J. P. B. | De Lanaudière | Montreal. |
| CHOQUETTE, P. A. | Grandville | Quebec. |
| CLORAN, H. J. | Victoria | Montreal. |
| COFFEY, T. | London | London, Ont. |
| COMEAU, A. H. | Digby County | Meteghan River, N.S. |
| COSTIGAN, J. | Victoria, N.B. | Edmunston, N.B. |
| COX, G. A. | Toronto | Toronto. |
| DANDURAND, R. (Speaker) | De Lorimier | Montreal. |
| DAVID, L. O. | Mille Iles. | Montreal. |
| DAVIS, T. O | Prince Albert. | Prince Albert, Saskatchewan. |
| DESSAULES, G. C. | Rougemont | St. Hyacinthe, Que. |
| DE VEBER, L. G. | Lethbridge | Lethbridge, Alberta. |
| DOMVILLE, J. | Rothesay | Rothesay, N.B. |
| DOUGLAS, J. M. | Tantallon | Tantallon, Sask. |
| DRUMMOND, (Sir G. A.), K.C.M.G. | Kennebec | Montreal. |
| EDWARDS, W. C. | Russell | Rockland, Ont. |
| ELLIS, J. V. | St. John | St. John, N.B. |
| FERGUSON, D. | Queen's | Charlottetown, P.E.I. |
| FISET, J. B. R. | Gulf | Rimouski, Que. |
| FORGET, L. J. | Sorel | Montreal. |
| FROST, F. T. | Leeds and Grenville. | Smith's Falls. |
| GIBSON, W. | Lincoln | Beamsville, Ont. |
| GILLMOR, D. | St. George | St. George, N.B. |
| GODBOUT, J. | La Salle | St. François, Beauce, Que. |
| JAFFRAY, R. | Toronto | Toronto, Ont. |
| JONES, L. MELVIN | Toronto | Toronto, Ont. |
| KERR, J. K. | Toronto | Toronto, Ont. |
| KING, G. G. | Queen's | Chipman, N.B. |
| KIRCHHOFFER, J. N. | Selkirk | Brandon, Man. |
| LANDRY, P. | Stadacona | Candiac, Que. |
| LEGRIS, J. H. | Repentigny | Louiseville, Que. |
| LOUGHEED, J. A. | Calgary | Calgary, Alberta. |
| LOVITT, J. | Yarmouth | Yarmouth, N.S. |

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| SENATORS. | DESIGNATION. | POST OFFICE ADDRESS. |
|---|---|---|
| The Honourable | | |
| MACDONALD, A. A | Charlottetown | Charlottetown, P.E.I. |
| MACDONALD, W. J | Victoria | Victoria, B.C. |
| MACKAY, R | Alma | Montreal. |
| MACKEEN, D | Cape Breton | Halifax. |
| MCDONALD, W | Cape Breton | Little Glace Bay, N.S. |
| MCGREGOR, J. D | New Glasgow | New Glasgow, N.S. |
| MCHUGH, G | Victoria, O. | Lindsay, Ont. |
| MCKAY, T | Truro | Truro, N.S. |
| MCLAREN, P | Perth | Perth, Ont. |
| MCMILLAN, D | Alexandria | Alexandria, Ont. |
| MCMULLEN, J | North Wellington | Mount Forest, Ont. |
| MCSWEENEY, P | Northumberland | Moncton, N.B. |
| MERNER, S | New Hamburg | Berlin, Ont. |
| MILLER, W | Richmond | Arichat, N.S. |
| MITCHELL, W | Wellington | Drummondville, Que. |
| MONTPLAISIR, H | Shawinegan | Three Rivers, Que. |
| OWENS, W | Inkerman | Montreal. |
| PERLEY, W. D | Wolseley | Wolseley, Saskatchewan. |
| POIRIER, P | Acadie | Shediac, N.B. |
| POWER, L. G | Halifax | Halifax, N.S. |
| RILEY, G | Victoria, B.C. | Victoria, B.C. |
| ROBERTSON, J. E | P. E. Island | Montague, P.E.I. |
| ROSS, J. H | Regina | Moose Jaw, Saskatchewan. |
| ROSS, W | Victoria, N.S. | Halifax, N.S. |
| ROSS, G. W | Middlesex | Toronto, Ont. |
| ROY, P | Edmonton | Edmonton, Alberta. |
| SCOTT, R. W | Ottawa | Ottawa. |
| SHEHYN, J | Laurentides | Quebec. |
| SULLIVAN, M | Kingston | Kingston, Ont. |
| TALBOT, P | Lacombe | Lacombe, Alberta. |
| TESSIER, JULES | De la Durantaye | Quebec. |
| THIBAUDEAU, A. A | De la Vallière | Montreal. |
| THIBAUDEAU, J. R | Rigaud | Montreal. |
| THOMPSON, F. P | Fredericton | Fredericton, N.B. |
| WATSON, R | Portage la Prairie | Portage la Prairie, Man. |
| WILSON, J. H | St. Thomas | St. Thomas, Ont. |
| WOOD, J | Westmoreland | Sackville, N.B. |
| YEO, J | East Prince | Port Hill, P.E.I. |
| YOUNG, F. M | Killarney | Killarney, Man. |

# THE DEBATES

OF THE

# SENATE OF CANADA

IN THE

THIRD SESSION OF THE TENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE TWENTY-SECOND DAY OF NOVEMBER, IN THE SIXTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

## THE SENATE.

OTTAWA, Thursday, November 22nd, 1906.

The Senate met at 2.30 p.m., and adjourned during pleasure.

## THE SPEECH FROM THE THRONE.

At Three o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber and took his seat upon the Throne. The Senators being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the Third Session of the Tenth Parliament of the Dominion of Canada, with the following speech :

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

In opening the third session of the Tenth Parliament of Canada, I avail myself of the opportunity to offer you my congratulations on the unparalleled prosperity prevailing in all parts of the Dominion. The harvest has been abundant, and the trade with both British and foreign nations continues to expand in annually increasing volume, with every prospect of continued growth for many years to come.

The number of immigrants seeking homes in Canada continues yearly to increase, and it is very satisfactory to observe that a larger proportion than in any former year has in the past season come from the British Isles.

During the recess following the last session, I visited the four western provinces, and was much gratified to note the great advance that is being made in the development of the vast resources of those highly favoured sections of the Dominion. I found the people of the west rejoicing in their prosperity, and full of hope and confidence in the future growth of its agricultural and industrial wealth.

The quinquennial census recently taken in the provinces of Alberta and Saskatchewan shows that those provinces are now entitled to an increase in their representation in the House of Commons. A Bill giving effect to that provision will be submitted for your approval.

In accordance with the announcement made in a previous session, you will be asked to consider a Bill for the revision of the Customs tariff.

The sanction of parliament will be required to give legal effect to the treaty made with the Empire of Japan. A Bill for that purpose will be submitted for your approval.

The products and manufactures of Canada shown at the recent International Exhibition held in the city of Milan proved a great attraction, and as a result it is confidently believed our trade with central and southern Europe can be materially increased.

The Naval authorities having relinquished the use of the dockyard at Halifax, a proposal was made to transfer it to the government of Canada. The offer has been accepted and the dockyard will now be used by the Department of Marine and Fisheries as a base for its operations in connection with aids to navigation.

Many immigrants having in recent years been induced to come to Canada by false representations made in the United Kingdom, at the request of the Minister of Labour a clause has been added to the Merchants Shipping Bill, now before the Imperial parliament, for the punishment of any person who may be found guilty of that offence.

*Gentlemen of the House of Commons :*

The accounts of the past year will be laid before you. I am glad to say that the revenue has shown a large expansion, and has not only provided for ordinary expenditure, but has also, to a great extent, provided for the outlay on capital account.

The estimates for the coming year will be laid before you at an early date.

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

A united application having been received by my ministers from the governments of the several provinces asking for an increase in the provincial subsidies, a conference was recently held when the reasons for granting additional aid were fully set forth and discussed. Resolutions, based on the conclusions reached by my government, will be submitted for your consideration.

Bills will be laid before you amending the Election Acts, the Post Office Act, the Dominion Lands Act, a Bill for the more effective supervision and inspection of Canadian canned food products, meats and fish, a Bill relating to the sale and manufacture of patent medicines ; and also a Bill to make better provision for dealing with juvenile delinquents.

It is hoped that the report of the Commission appointed to inquire into the working of insurance companies will shortly be completed, when it will be laid on the table.

The subjects I have mentioned will, I hope, receive your best consideration, and the measures to be submitted for your approval will, I trust, tend to the well-being and good government of our fair Dominion.

His Excellency the Governor General was pleased to retire, and the House of Commons withdrew.

After some time the Senate was resumed.

Prayers.

Hon. Mr. SCOTT (Secretary of State) presented to the Senate a Bill intitled : 'An Act relating to Railways.'

The said Bill was read a first time.

The Senate adjourned until Monday next, at 8 p.m.

## THE SENATE.

OTTAWA, Monday, November 26, 1906.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

### ERRORS IN MINUTES.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to draw the attention of the proper officials to an irregularity which occurred at the close of last session. The Journals of the House do not mention a motion that I made on the 10th of July asking that a humble address be presented to His Excellency the Governor General praying that His Excellency would be pleased to cause to be laid before this House a copy of the complaint made against Lt.-Col. Belanger, &c. The motion was carried, as we observe by the report in the Debates, but in the Journals of the Senate I fail to find any report of that motion being carried. I would ask the hon. Secretary of State to be kind enough to consider it as carried, as it was in effect, and to have the report brought down this session. I would also call attention of the hon. Secretary of State to a motion that I made on the 19th July, 1906, asking that an humble address be presented to His Excellency the Governor General in relation to the correspondence between the imperial authorities and the government of Canada relating to the uniform to be worn upon state occasions by privy councillors. I undestand that an order in council has been passed with reference to that subject, and I would ask the hon. Secretary of State if he would kindly give us a copy of that order. We will consider the motion made in that sense. I should like to have the motion cover any order in council that has been passed on the subject without

compelling an amendment to the motion this year; to simply consider it as carried.

Hon. Mr. SCOTT—I am not aware that there is any order in council. The subject of the uniforms is not one in which I have taken a very deep interest, and, therefore, I have not kept up with the changes made from time to time. I am quite aware that the imperial authorities have advised the government of Canada that privy councillors were entitled to more gold on their coats than they had been in the habit of using, but I do not know that it is compulsory. I have not used it myself, and I have not been reprimanded for having failed to to do so. I do not know of any order in council; if there is I shall bring it down.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will make inquiry he will find that an order in council was passed dealing with this subject. In fact, I was told by a gentleman that he had seen it—had been furnished with a copy of it.

Hon. Mr. SCOTT—Then I stand corrected.

## THE LATE SENATORS VIDAL AND KERR.

Hon. Mr. SCOTT—Before the order of the day is called it has been suggested that this would be an opportune time to make the usual reference to the death of two senators who had been with us last session and who are here no longer. The late Senator Vidal occupied a very important position in the Dominion of Canada. He had been elected for the St. Clair division at a time when the members for the Upper Chamber were elected and not nominated —I think in the year 1863. He continued to sit in the legislative council until confederation. He was not one of those who were named in the royal proclamation. I presume there were more than there were vacancies for. However, shortly after, within five years, he was summoned to this Chamber, and during the thirty-three years he sat with this body I think we can all bear testimony to the uniform courtesy that he exhibited at all times, to his remarkable equanimity of temper, of bringing calm judgment to the deliberations on every subject on which he passed an opinion. In the sessions of 1875, 1876, 1877 and 1878 there was a wide-spread agitation over this country in which he took a prominent part, to secure prohibitive legislation over large areas. I took up the question in 1878 and received material assistance from Senator Vidal in carrying that measure through this Chamber. By his advice and excellent example I have no doubt there are many men to-day who feel grateful for having adopted the good opinions he gave them in reference to this subject of total abstinence. He was at all times a very zealous advocate of teetotalism. I do not know that there is any more I can say with reference to the late senator. He left us in the fullness of years. He had been born back as far as 1819, the same year that Queen Victoria was born, and, largely due to his careful habits I think, he had kept his mind clear and ready at all times up to the very last to give sound judgment on any question that came before this Chamber. Those of us who were pained at seeing the feeble way in which he walked in and out of this Chamber so late as July last recognized that the time was coming when he would be called away, and, therefore, it was no great shock to us when we were informed of his death. The change must have been to him a happy one. I am quite sure that parting from this world involved no struggle in his case. He was quite prepared at all times to go, and he left in the fulness of time, having attained, I think, the age of 87 years.

The other death to which I desire now to allude is one that came unexpectedly and created a shock. The Hon. Senator Kerr, who sat at the end of this room, when he left us in the month of July last gave no indication that he would not be here in his usual health when the House met again. Providence, however, has willed it otherwise. He had lived the full term of the psalmist; still it did not appear from his mein and the way he carried himself. He was cheerful, bright and active and gave no indication what ever that his constitution was breaking up. The late Senator Kerr was a prominent man in the counties of Northumberland and Durham. He had been honoured by those who knew him in his own locality on very many occasions, having been elected mayor of Cobourg for a long series of years. He was highly esteemed by every one in that locality. He

was chiefly connected during his life and recognized as taking a prominent part in the growth and influence of Victoria University, and he was on the board of that body and occupied also the position of vice-chancellor. His death, I know, will be deeply regretted by the Methodist body of which he was a very prominent member. In 1874, when Mr. Mackenzie was premier, being a strong Liberal, Mr. Kerr was elected for the county and sat during that parliament in the House of Commons. He was called to the Senate Chamber in 1899. I think all of us will bear witness to the kind and gentle way in which he demeaned himself while here. He took a prominent part in all the important debates, but no one will remember a single harsh word that he said on any occasion. Warmly devoted to the political party with which he had been all his life associated, he nevertheless had warm friendship for those who differed from him politically. His political feelings never interfered with his private friendship. Hon. gentlemen will be reminded that often in his speeches he indulged in a vein of humour, which added to the interest of the observations he was making. We all will express our sense of regret at his having been called away prematurely.

Hon. Mr. LOUGHEED—I quite concur in the sentiments which have been so very properly expressed by my hon. friend the Secretary of State as to the death of our two late colleagues. With reference to that of the late Senator Vidal, I might say that few men in Canada have seen the measure of public life which it was his privilege to possess. I think only two members of this Senate are alive to-day who were here at the time of his entry into this Chamber. I refer to my hon. friend the Secretary of State and the hon. senator from Richmond. He exceeded by almost a score of years the allotted span of life—three score and ten. During that time I think it might be said that he had the melancholy pleasure of seeing most of his contemporaries pass away. He entered public life early in the sixties. From the time of his entering into public life he may be said to have seen the few scattered provinces of Canada emmerge into the greatest self-governing possession of the British empire. Senator Vidal was always one of the active members of this Senate. Almost up to the time of his death he took an active and intelligent interest in everything which transpired. Few members of the Senate during the time he was amongst us took a more active interest in the work of the committees than our late and lamented colleague, and upon the floor of the House there was scarcely any measure of importance which did not receive the very best attention and consideration at his hands. Very fortunately for the late senator his disposition and his temperament were of that character which appealed to gentlemen on both sides of this House, and it was observable, I think, by every hon. member in this Chamber that both sides vied from time to time to pay their tribute of respect and esteem to the very gentlemanly way in which he transacted the public business with which he was concerned.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LOUGHEED—The ripe experience and the mature judgment and the disinterestedness which always characterized his discussions on public questions will be missed in this Chamber. Those characteristics always appealed to his fellow-colleagues, and will be missed in the transaction of our business. Not only was the late Senator Vidal a distinct acquisition to the public men of Canada, but few during his time engaged so actively in the work of social and moral reform. His connection with the temperance cause in Canada was well known from the Atlantic to the Pacific and the efforts which he from time to time put forward, to which the hon. Secretary of State referred, for the amelioration of the conditions of intemperance which have cursed so many of our fellowmen, will be long remembered by those who were associated with him in the work of moral reform. His loss will be distinctly felt in the public life of the country and in the different movements for social reform. As a public man, a good citizen and a friend I am satisfied this Chamber will, with his family, mourn his loss.

The remarks which I have made with reference to Senator Vidal might apply with equal force to the late Senator Kerr, who had long been identified with public life in Canada. He commenced his political career early in the seventies. Having en-

tered into the arena of the other branch of parliament, the House of Commons, he was actively engaged for many years in the public business of the country and established for himself a reputation for honour and integrity which, so far as I am aware, was never impeached. Afterwards coming to this Chamber the late Senator Kerr identified himself very closely with the general business of and with the committee work of the Senate to such an extent that he certainly was a very great acquisition to the intelligence and to the ability of this body. Those who had the good fortune to come closely in contact with the late Senator Kerr will certainly mourn the loss of one who was possessed of every gentlemanly instinct. Senator Kerr was a good citizen. It fell to the fortune of few men to be more closely identified with public movements than the late senator. He was actively engaged for, I might say, a couple of generations in building up one of the great educational institutions of the country, and for many years was vice-chancellor of Victoria University. I doubt if any of the students, or those who have been associated with that university for the last half century have been able to give the continuous and active service to the building up of that institution that it was the good fortune of that university to secure in the service rendered by the late senator. He also occupied a very high position in the profession in which he was engaged. For many years, and at the time of his death, he was a bencher of the Law Society of Upper Canada, thus indicating very clearly the very high esteem in which he was held by his professional brethern. He was a prominent lawyer and belonged to a local bar to which the judiciary of his province owes very many bright and intelligent minds. I might say, therefore, that I with other members of this Chamber at this time would lay my humble tribute of respect, esteem and sorrow on the bier of our late lamented colleagues.

## THE ADDRESS.

The Order of the Day being called,

Consideration of His Excellency the Governor General's Speech on the opening of the Third Session of the Tenth Parliament.

Hon. Mr. JAFFRAY—I intended to say something with regard to the death of the late senators who have passed from us, but as that has been so efficiently and ably referred to by the hon. Secretary of State and the hon. leader of the opposition that it is unnecessary for me to say anything further on the question. I am sure that we all extremely regret that these hon. gentlemen have passed away. Hon. gentlemen, I regret that this important duty is not to be discharged by some one more competent to do it justice. Although I cannot plead youth nor that I have not had long experience and some activity in politics, it has not been on the platform, and certainly never before such an august body as I have now the honour of addressing.

Before proceeding further, may I express what I am sure is the feeling of sorrow of every senator and their deep sympathy for those who have suffered bereavement in the death of two of our members since we last met. They were deservedly highly esteemed and will be much missed from their places with us.

It is appropriate that His Excellency should open his speech with congratulations on the prosperity of the country, for never in its history did Canada enjoy such prosperity, whether it be agriculture, manufacture or merchantile business, and certainly the prospect for the future was never so bright notwithstanding the evils that are predicted to befall us according to some of our political opponents. The consolation is that the facts are all against them and the country is not prepared to believe in their sincerity or that they believe themselves what they say.

The country, and specially our great west, is deeply indebted to the present government for its admirable, efficient and highly successful immigration policy. During many years previous to 1896, instead of adding to our population to any extent we were contributing of our brightest youths to the upbuilding of our neighbour to the south. Now the tide is turned; many are returning and with them many of their best from the United States are pouring in to help to fill up the broad plains of our great Dominion.

It is gratifying to have the personal testimony of our very able and observant Governor General to the rapid development of the vast resources of our great Northwest and of the hope and confidence of the vig-

orous race who are peopling that great country. Let me take the liberty of saying that promising as that country is, it is not the only direction in which Canada has room to expand. The saying 'Go west, young man' must now alternate with the advice 'Go north, young man.' We are just awakening up to the fact that we have a country within easy reach to the north of us here teeming with mineral wealth and millions of acres of virgin soil equal to the best in Ontario, or even the Northwest. There is timber, silver in great quantities, nickel, iron and gold and this fertile land lies in a latitude more than a hundred miles south of Edmonton and a hundred miles south of Winnipeg and Peace River countries. This fertile belt stretches across a great part of Ontario and, I believe, some part of Quebec. There is enough already known in these two provinces to support in plenty double the population they now possess without crowding. I might speak of the magnificent water-powers in this district and its great possibilities when our railways shall have tapped Hudson Bay.

We will welcome with pleasure the additional representation from our new provinces. The men they will send from those vigorous young provinces will be, I am sure, an acquisition to parliament.

Whatever difference of opinion we may have on the question of customs tariff I think we are all agreed that a steady tariff has been of great advantage, and that this government has done the country great service in having made so little change in it since they revised it. Let us hope that when we have the promised revision it will be so efficiently done that further changes may not be necessary for many years to come.

We have confidence in our Finance Minister and his able colleagues who have been engaged with him in the preparation of this tariff, and who with him have so industriously gathered information throughout the length and breadth of the land. Let not the old adage be forgotten, 'Let well enough alone.' We never were doing so well; let us be slow to change.

It is important that we should have treaty relations with Japan, a country that has so suddenly sprang into prominence among the nations of the earth and with whom we must have extensive business relations, not only from our ports on the Pacific, but we should be able to have their highway from east to west across our country.

Taking over the dockyards of Halifax is adding another to our responsibilities, and I am sure the obligation will be discharged with benefit to the empire and credit to Canada.

The rapid and extraordinary increase in the revenue is a sure indication of the healthful expansion of the business of the country which necessarily brings with it increased expenditure, and while care must be taken that expenditure is wisely and economically made, the government must have the courage to meet the demands arising from the great and rapid growth of the country. I believe that this has been well and wisely done in the past and will be in the future.

There are many important Bills to come before us; none more important than the amendment to the Election Act, and it is to be hoped that all parties will approach it with a view to make it as perfect as legislation can be made. Corrupt practices cannot be stamped out by legislation alone; it can be done only by all parties resolving that it shall no longer disgrace our country.

The Insurance Commissioners report will be looked for with much expectation and confidence that men of their ability and experience, after so thorough an investigation, will make recommendations that will promote such legislation as will effectually put an end to the gross irregularities in dealing with trust funds that have been disclosed.

We have a great country with a great future before it. It calls for broad-minded able statesmen. Let us welcome and encourage them whether they be of our party or not. Let them be sincere and patriotic, striving for their country's good, and let our people have high ideals worthy of their great heritage.

We have to heartily congratulate Sir Wilfrid Laurier on having attained his sixty-fifth birthday and join cordially in endorsing the sentiments so happily expressed by the mover of the reply to the speech from the throne in the Commons: 'Long may he be spared in health and strength to serve

his country in the future as he has so ably and well done in the past.

Hon. Mr. ROY—Following the time honoured custom of this honourable House, it will be my pleasure and privilege to second the address to the speech from the Throne in the French language. Previous to speaking in French I wish, however, to say a few words in English.

Coming as I do from the great west of Canada it was gratifying to me to hear His Excellency, in one of the first paragraphs of the speech from the Throne, refer to the great satisfaction he had experienced during his last visit to the western provinces. Let me assure you, hon. gentlemen that no representative of the Crown has ever left a better impression amongst the western population than His Excellency Earl Grey. The interest he has shown in the welfare of our part of the country has developed a strong feeling of admiration and of gratitude amongst our people towards the representative of His Majesty the King in our Dominion.

Before closing my remarks in English, I wish, hon. gentlemen, to express to you how deeply grieved I feel at the loss of two of the most respected members of this honourable House, Hon. Senator Vidal and Hon. Senator Kerr, of Cobourg, have passed away after giving the benefit of their experience and the best of their lives to the service of their country. And those who have entered later upon the same labours, who have benefited by their experience and appreciated their kindness, will feel impelled to uphold, as they have done, the best traditions of parliamentary life in Canada.

Hon. Mr. ROY (in French)—I appreciate personally, and I appreciate for my province, the honour which the government has done me, in requesting me to second the motion for the adoption of the address in reply to the speech from the Throne. I know that my short parliamentary experience will not permit me do justice to the task which I undertake to fulfil, but I count upon your indulgence for a political debutante.

Coming from one of the western provinces, I experienced a sense of pride and gratitude in hearing His Excellency, in one of the first paragrahps in the speech from the Throne, declaring to the people of Canada the great satisfaction which he had experienced in visiting our beautiful provinces in the west. In our part of the country we have a lively satisfaction every time we learn that a senator or a member of the House of Commons from the old provinces wishes to visit the west; for, to properly realize and properly explain the marvellous prosperity which Canada enjoys throughout, it is necessary to cross the fertile prairies of Manitoba, Saskatchewan and Alberta. Not one of our legislators has returned from these new provinces without having learned how just and wise the government have been during the ten last years of their administration in inaugurating an aggressive policy of immigration, in giving generously to those provinces the best means of transportation and in putting an end to a disastrous monopoly, which up to that time had weighed upon the west. Hon. gentlemen, every dollar that you spend in the west will be returned a hundred fold to the Canadian revenue. To those who consider that the policy of the government is too large, I oppose this maxim of a great French writer. Littré said: 'It is necessary to undertake as if we were disposing for eternity. It is necessary to work each day as if we would die before to-morrow, and we dreaded leaving our work incomplete.'

Hon. gentlemen, we have yet millions of acres of land to cultivate. British Columbia and Alberta will, one of these days, be found to possess the greatest coal mines in the world. We will before long cover the United States market with the products of our lakes and rivers. The deposits of minerals and of petroleum only await development to give wealth to our country. I repeat, hon. gentlemen of the older provinces, that any sacrifices you wish to make in aiding the development of the west will be really favours done for yourselves. I am happy to state that the government thoroughly understands the truth of that principle. The speech from the Throne which we have before us, furnishes proof of that fact. Every one of its paragraphs deals with questions which tend, more or less, to continue the development

of the west. The government, with the concurrence of the Minister of the Interior, one of the best qualified men for directing the affairs of the west, is prepared to increase and improve our immigration service.

The quinquennial census authorized by the Autonomy Acts, of the provinces, is nearly completed. That census proves that they are entitled to increased representation in the House of Commons.

I now come to deal with one of the most important questions which we will have to consider during the present session. The speech from the Throne refers to a Bill having for its object the revision of the customs tariff. The people of the west are confident that the government will not make any radical change in the customs tariff which would be prejudicial to the greatest industry in Canada, agriculture. The manufacturing class of the country at this moment are making representations to the government to obtain a larger measure of protection for their industries. It is the duty of the government to protect our Canadian industries to a reasonable extent. On the other hand, let us hope that the Canadian government will never commit the error, having due regard to natural economic principles, of establishing in this country a tariff of the Dingley character, which would create in Canada those monstrosities which we call trusts, which are becoming such a burden to the people of the United States, and are calculated to destroy the individuality of a great number of the citizens of that country. The industry which it will be most profitable to protect in Canada for many years to come is agriculture. When we shall have developed from the Canadian soil all the wealth which it contains, our national industries will have developed in the same proportions. For that matter, hon. gentlemen, I do not know that Canada has suffered much from the Fielding tariff. If we may judge from the results already obtained, this tariff appears to serve the great interests of our people. To prove what I have said I shall, with your permission, quote a statement which I have found in one of the great journals. In speaking of the Fielding tariff the newspaper says :—

'The Fielding tariff has stimulated and produced in our political life marvellous results, as shown by the following increases :

| | Per cent. |
|---|---|
| Foreign trade .. .. .. .. .. | 109½ |
| Accounts in the banks .. .. | 114 |
| Traffic on railways.. .. .. .. | 136 |
| Deposits in the banks.. .. .. | 156 |
| Capital of banks.. .. .. .. | 136 |

And it continues—'Is it really contrary to the public good, this Fielding tariff, which has increased the volume of our commerce by $311,000,000 in ten years? Is it really so bad a tariff which has increased the exports of our manufactured products from $9,365,384 to $14,561,112? Is it really so disastrous, this Fielding tariff, which has permitted the popular savings to grow in bank deposits in ten years by $219,927,955? No, the Canadian people, marvelling at the results obtained, have confidence that the proposed revision of the customs tariff will not prejudice in the slightest degree the general interests of the country, while at the same time it will improve the special interests of different classes of our population.'

Hon. gentlemen, I am led to deal with a paragraph in the speech from the Throne which interests in the highest degree all Canada, but probably more especially the population of the west. The Canadian parliament will be called upon during the present session to ratify a treaty with the empire of Japan. This news will fill with hope all the settlers of the western provinces. I am one of those who believe that the countries of the Orient are the natural market for the products of British Columbia, Saskatchewan and Alberta. In the absence of near markets, and because of excessive cost of transportation, our farmers in Alberta and Saskatchewan often accumulate the products of their farms from year to year only to dispose of them finally at a sacrifice. Hon. gentlemen, five years hence the wheat of Saskatchewan and Alberta will be manufactured at Vancouver and Prince Rupert, and exported to the east for consumption. When that day comes the farmers of the west will be less cautious; they will sow twice or three times as much land, and receive for their products more remunerative prices. To my mind, it will be little short of a crime if we

fail to give our approval to the government to permit them to bring to a successful end this truly national policy.

Another paragraph in the speech from the Throne announces that the Minister of Commerce is engaged in furnishing protection to a class of immigrants who, it appears, have been coming to Canada drawn here by false representations made to them by unscrupulous people. This wise measure is certainly worthy of the highest praise. We have no need in this most prosperous country of a disappointed and complaining population.

We shall also have to consider the resolutions adopted at the conference of the premiers of the provinces, and I doubt not that their claims will be heard. I am pleased to state that the happy dreams of our friend from Mille Isles (David) will soon be realized. I may be permitted to congratulate him upon it, for it seems to me that the patriotic words which he uttered in 1905 made a favourable impression on the government.

We shall also have to take into consideration an amendment to the electoral law. As has been so well said by others, it is not the law itself that is so bad, but those who violate it, deserve to be severely punished. I am one of those who believe that compulsory voting would be an effective remedy to the evils from which we suffer at this time, and I shall be happy to hear that question discussed in parliament with a view to deciding whether or not it is practicable.

Hon. gentlemen, I do not wish to close without assuring you of the great satisfaction which I have experienced in learning that we shall be asked to discuss and sanction a Bill concerning the sale and production of patent medicines. That law demands our most serious consideration. If it is important to legislate to secure the happiness and prosperity of the Canadian people, it is a hundred times more patriotic to legislate for the protection of the lives of our children. I speak with some knowledge of the subject, having studied the question of infant mortality, and it is necessary that we should be guided by the evidence. Patent medicines have been too often the cause of terrible disasters. That is why, hon. gentlemen, I believe that it is our duty, above all it is the duty of those amongst us who belong to the medical profession, to be prepared to adopt a law, I do not say a prohibitive law, but one which will give complete protection at least to those who are not able to defend themselves, our little children.

It is to be hoped that the report of the commission appointed to inquire into the methods employed in the administration of insurance companies will come before us during the present session. The Canadian people should be grateful to the government for the expeditious, impartial and firm manner in which that inquiry has been conducted. If there is any form of protection which the people has a right to expect from the government of the country it is surely protection of its savings. And this is all the more true when they deal with the savings left to widows and orphans. I may say that the insurance commission discovered nothing sufficiently serious to give any cause for alarm to our people. No doubt we will have to consider some abuses, and to amend the law in such a manner as to prevent such abuses occurring in the future.

Hon. gentlemen, the Canadian people rejoice in the abundant prosperity with which the country is blessed. To whom are we indebted for that prosperity? To Providence, no doubt, but in material things as in the domain of morals, Providence employs agents to attain its ends. The wise policy and foresight of the government have been the means by which Providence has loaded Canada with gifts which render our people so happy. There is also another reason, hon. gentlemen, to explain the prosperity and happiness of the Canadian people. They are due to the peace and harmony and the good will which reign among the different races that form the Canadian nation. The senseless prejudices which have existed in one place or another for the past ten years, have almost disappeared. To whom are we indebted for his beneficient improvement? We are indebted, hon. gentlemen, for the policy of conciliation and truly national and liberal Canadian ideas, to our statesmen, among whom the chief and most deserving of credit is the Right Hon. Sir Wilfrid Laurier. For my part, I have a dream : it is to

see in the province of Alberta, on the fertile banks of the Saskatchewan, where that policy of conciliation has above all borne fruit, a monument representing Sir Wilfrid Laurier carrying to the new provinces words of peace and conciliation.

Hon. Mr. LOUGHEED—I have very great pleasure in observing the precedent which has been so well established of congratulating the mover and seconder of the address upon the manner in which they have discharged the duties devolving upon them. It invariably falls to the lot of new members to make their maiden speech under the same auspicious circumstances that my hon. friends from Toronto and Edmonton have spoken to-night. In fact it has fallen to the lot of most of us at one time or another to discharge this duty, and in doing so we have a distinct recollection that the occasion was not prolific of suggestiveness, nor was the atmosphere of this chamber inspiring to oratorical efforts. We can all remember, however, that the duty did devolve upon us of offering up a certain measure of sweet incense to the governments for the achievements which they had foreshadowed in the speech from the Throne, the adoption of which they have been called upon to move and second. I am very pleased to say that the hon. senator from Toronto and the hon. senator from Edmonton have been very felicitous in the expression of these same terms. They have not overlooked attributing all the blessings which we enjoy, both temporal and spiritual to the present government. They have not been slow in superceding Providence by that providential and paternal government which at the present time administers the affairs of this country, and likewise in attributing to the government instead of to Providence every good and perfect gift of which we have been the recipients. However, as I have said, they have been following precedent, and I am not going to quarrel with them for having done so. I therefore take the opportunity of congratulating these hon. gentlemen on their accession to this body and expressing the hope that they may be long spared to be active and useful members of this Senate.

It has been said on many occasions, and I therefore hesitate to repeat it, that the speech from the Throne is not usually characterized by what it contains so much as by what is omitted; but it may be said on this occasion there has been a departure from that state of affairs and we have presented to us a bill of fare which is certainly elaborate in the many subjects embodied in the address and which I have no doubt will be presented to us from time to time during the present session. It may be said that this will be peculiarly a tariff session, although the reference to the tariff in the address appears in a very modest and unostentatious way. The mere mention of it does not throw very much light upon what the measure will contain. The public have a great deal of curiosity as to what the tariff will be, and to what extent the government will go in revising the existing tariff; but I doubt if the curiosity of the public—if we exclude the Liberal party—is so great as the curiosity of the Liberal party itself. That party is on the tip-toe of expectation as to what the tariff will contain. That, however, is still in the mysterious breast of the government. I have no doubt in the course of a few days our curiosity will be relieved by discovering that those gentlemen have been true to their record, of preaching free trade and practising protection. It seldom falls to the lot of a party to preach free trade and practise protection, yet that has been the attitude of the present government since 1896. One's prophetic instinct would not be far astray in predicting that notwithstanding the many protestations of the Liberal party against responsibility for maintaining a protective tariff, when the Finance Minister brings down his Bill, it will be found to embody practically all the measures of protection that have been in force since the party of the National policy introduced the tariff Bill of 1879. The Liberal party has been strangely inconsistent, and has shown little candour or honesty in thus masquerading as free traders for the last ten years, The government knows, the manufacturer knows, every intelligent member of the Liberal party knows that the tariff which will be brought down to parliament in the course of the next few days will be as highly protective as any tariff that has ever been in force in Canada, yet, notwithstanding this fact, the Liberal organs, with that strange inconsistency and insincerity which

characterize them, are to-day preaching a crusade of free trade amongst the agriculturists of Canada, and expressing strongly the hope that the tariff to be introduced during the present session will be a free trade measure, though they know to the point of certainty that it will embody every principle of protection that has ever been in force in Canada. I therefore venture to say that the present session will afford to our Liberal friends probably a better opportunity than has occurred at any previous time though they have been many —to abjure the fiscal heresies into which they have fallen in the past, and to make frank avowal that the clap-trap which has been talked of from time to time was with the hope of deluding and securing the sympathy of the free trade party in the Dominion. I presume there is no law which will compel the Liberal party to observe the virtue of consistency between profession and practice, yet I would venture to say that public ethics should require such consistency on the part of any great political party. I venture to express the hope that the tariff measure will contain provisions which will enable the government to prevent the formation of trusts and combinations which so often grow out of undue and unhealthy protection. I also venture to hope that owing to the development of the western provinces, the government will adjust the tariff in such a way as to favour the agricultural industry in the west, and the many industries incidental to the settlement of that great country. There cannot be a properly revised tariff that does not take into consideration the dominant requirements of the country generally.

The legislation upon this subject must be for the benefit of the many rather than for the advantages of the few. However, all those expressions perhaps represent so much speculation in the absence of our having particulars of the tariff before us. The tariff will be laid upon the table of parliament in a few days, and the members of this House will then have an opportunity to discuss the details of it upon its merits.

There is another subject with which the address has dealt—and I might say has dealt with as modestly and as unostentatiously as the tariff—and that is the revision of our election laws. Owing to the unusual prominence which, during the recess, was given to many of the electoral acts of the Liberal party during the last few years, public opinion has reached, I may say, that stage when it demands from the government legislation upon this important subject. I venture to say, hon. gentlemen, that not in the history of representative institutions has there been such a humiliating and debasing spectacle with reference to the violation of the electoral laws as we have found during the last six months before several of our judicial tribunals. In fact to such an extent has electoral corruption been carried on, that it may be said the wholesale violation of election laws has reduced the shock to a greater extent than if it had occurred in isolated cases. We boast of our free institutions, of the sacredness of the ballot, of our franchise, of universal suffrage, and of the voice of the people being the paramount force in government, but I venture to say that we are greatly mistaken, that this conception of the franchise is all a myth, a wild fantasy of the imagination, a mistake that the representatives of the people are elected by the votes of the people. The disclosures which have been made in the various courts of the Dominion have demonstrated that many representatives of the people are not elected, but declared elected by machinery. The machine has been set in motion, and with the result that the representatives who have been selected by the machine have by these instruments been declared to be the representatives of the people. Every conceivable villany has been resorted to in order to debauch the electorate and to rob the elector of the vote which he has honestly cast. It is hard to conceive of any human ingenuity which has been overlooked to rob the public of the franchise properly exercised. In fact I would be ashamed of my country if I thought the rank and file of the Liberal party had been parties to the electoral corruption which has been exposed during the last six months. I do not charge for a moment—

Hon. Mr. POWER—Would my hon. friend excuse me? He is indulging in specific charges. Would he be good enough to specify some cases in which these things have taken place.

Hon. Mr. LOUGHEED. I might say to my hon. friend that it would take me a week or more to enumerate the various charges which have not only been brought to light, but established in courts throughout this Dominion in the last three months. I should be very sorry to say that the rank and file of the Liberal party have been responsible for the charges which have thus been established, but I do say without any hesitation that the Liberal party throughout the Dominion have profited by those violations of the electoral laws, not only the federal party in the Dominion, but the various local provincial governments, those that have gone down to defeat as well as those that are administering the affairs of their respective provinces to-day, notwithstanding their repudiation of responsibility of these charges. Under these circumstances, it is recognized that the duty has been cast upon the Liberal party of purging the public life of Canada to-day of the blot which has been left upon it, and which has besmirched the honesty not only of public but of private life in Canada by reason of the commission of these crimes. It therefore has fallen to the duty of the Liberal party, to legislate, to guarantee electoral honesty in the future, and I am satisfied that both parties will join hand in hand in making that legislation as restrictive and as perfect as it can possibly be placed upon the statute-book. It is idle for the government to deny responsibility, as my hon. friend has just inferentially indicated by the question which he has asked me. Can we for one moment conceive that the gangs of political pluggers, switchers and bribers that have passed up and down this Dominion for some years, have been set in motion of their own volition? It must appeal to the intelligence of every public man that this machine, made up of those law-breakers would not have been set in motion by themselves. They work according to certain plans, according to certain schemes. They carried on certain campaigns. They have expended not only small amounts, but very large amounts of money. By whom were those moneys furnished ? By whom were those plans conceived ? By whom were those campaigns devised ? It certainly was not by the instruments who have been violating the law in a way never before equalled. It must have been at the instance of some of the leaders of the party to which they belonged. If my hon. friend from Halifax has been following the Toronto papers of late he would have read of the Liberal procession before the Toronto police court, which has been appearing there week after week during the investigation. He would have read of the pluggers who told of opening and plugging ballot boxes, of the switchers who held classes and educated deputy returning officers to switch ballots. He would have read of the contractors of the government who contributed funds from time to time to the bribers that the electors of the country might be debauched. He would have read of the briber who boasted of buying his votes by the dozen. He would have read of the robber who plainly admitted of his stealing whole constituencies. I say that this was part of one great scheme, and it has been spreading throughout the whole Dominion, and we as a people who boast of honour, of honesty, of conscience, who observe religion and the laws of morality, I say it falls not only upon us but particularly upon these two branches of parliament to see that there is placed upon the statute-book of this session a law which will guarantee to the people of this Dominion electoral honesty. I might say hon. gentlemen that this machine has not been confined to Ontario. It has been operating in all the other provinces of the Dominion. It has been operating in New Brunswick, in Nova Scotia, in Quebec, in Ontario, in Manitoba, in the latter it has worked the thin red line device, and by the thin red line has struck out the names of hundreds of electors, and has thus defrauded the electorate of the franchise to which they were entitled. My hon. friend from Marshfield has properly said thousands of electors have thus been defrauded of their right of exercising the franchise. It is the same machine that was operating during the last local election in the province of Saskatchewan, when the pluggers, entirely regardless of the penalties of the law, filled the ballot boxes with ballots of their own manufacture and declared members elected entirely irrespective of all the electoral machinery on the statute-book. It was the same machine that operated in the province

of Alberta, that absolutely ignored the day of election, that absolutely ignored the machinery of the statute for the holding of elections. It is the same machine that manufactured ballots, placed those ballots in the boxes, and declared the representative elected by reason of the ballots marked by the deputy returning officer himself.

Hon. Mr. DOMVILLE—When the hon. gentleman refers to Nova Scotia is he referring to the election in Queen's county in 1891?

Hon. Mr. LOUGHEED—I am not referring to that. I am referring to the operations of the machine generally. I have no doubt it was in operation at the time and in the place mentioned by my hon. friend and he would doubtless be well aware of the fact. It must be a matter of satisfaction to both Conservatives and Liberals that at last this crisis has been reached, and that public opinion has been so outraged that at last there is a probability of there being placed upon the statute-book laws which will guarantee some honesty in elections hereafter. It has been said that one party is as bad as the other, and I was rather astonished to find that no less an authority than the Prime Minister of this Dominion ventured to express paliation for the wrongs and crimes that had been committed on the ground that both parties were equally to blame. This I deny. Upon this I take issue. I say without fear of contradiction—and I think I can establish to the satisfaction of even hon. gentlemen on the other side of the Chamber that my statement is correct—that the Conservative party has never preached impeccability, though they have never claimed to be Puritans of the cherubic type, yet they have played the game fairly and honestly in comparison with the Liberal party and have not been guilty of one-hundredth part of the violations of the election laws that from time to time have characterized the elections of the Liberal party throughout the Dominion. I will prove it in this way. By whom are those election scandals being exposed to-day? It has been said that the exposures which have taken place in the province of Ontario would not have taken place had not a Conservative administration been administering the affairs of this province, and the Liberal party have pointed out from time to time since the beginning of these scandals that it was due to the local provincial government having put in operation the criminal machinery of the Dominion that those exposures were being made. Let me say to hon. gentleman that that truly is the case. I contend that if a Conservative local administration were not administering the criminal law of Ontario to-day, these scandals would not have been exposed. They would have been hidden. They would have been concealed in the recesses of the mysteries of the Liberal party, as have been the scandals of many years gone by; but very fortunately for the morals of this Dominion very fortunately for the public life of the Dominion the criminal law of Ontario has been set in motion by a government that feels that the responsibility rests upon it to vindicate the laws of this Dominion. Who was it exposed the scandals in Manitoba, by which, as my hon. friend to my right has said, thousands of electors have been defrauded of their franchise? A Conservative government. They have exposed the scandals which have seen the light of day in the province of Manitoba. Let me say to hon. gentlemen that throughout the various provinces of the Dominion, beginning in New Brunswick and extending through to British Columbia, the Liberal party in local affairs since confederation has administered the affairs of those provinces for a longer period than the Conservative party. The criminal machinery of the Dominion of Canada has been in the hands of the local Liberal administrations of those provinces, I venture to say for 75 per cent of the time since confederation, and notwithstanding the fact that though that machinery could have been set in motion by the Liberal party from the Atlantic to the Pacific, can hon. gentlemen on the opposite side of the House point out to me wherein, notwithstanding the fact that the machinery was in the hands of the Liberal party, they have succeeded in exposing any parallel electoral scandals for which the Conservative party was guilty since confederation down to the present? I venture to say that no hon. gentleman on the opposite side of the House or on this side will point out a solitary instance in which there has

been any scandal exposed comparable to the scandal which is now exposed in the city of Toronto and that which has recently been exposed in the province of Manitoba. Does this not establish the fact that the Liberal party has been guilty to a much greater extent than the Conservative party? The Liberal party would not exercise its generosity and magnanimity to the Conservative party in thus concealing scandals for which they were responsible, if they, while administering the criminal machinery of this Dominion could thus have exposed the acts of their opponents. If anything proves beyond all question that the Conservative party have been fairly exempt from guiltiness for electoral rottenness, it is the fact that you cannot point out in any of the provinces of Canada, under a local Liberal administration administering the criminal laws of the province, an exposure worth speaking of. I thus say without fear of contradiction that this very fact establishes that the Conservative party is not one tittle as guilty of electoral corruption as the corruption of which the Liberal party has been guilty. However, hon. gentlemen, recriminations will not assist in purifying the political atmosphere. I simply make reference to the fact I have now mentioned to establish, as far as I possibly can, the comparative freedom of the Conservative party from the guilt that I have pointed out which has marked the administration of Liberal affairs. As I said before, both political parties should join hands in the endeavour to place upon the statute-book one of the most effective Acts which it has ever been the opportunity of parliament to pass. I am sure there is enough patriotism and honesty and enough sense of decency in both parties to join in the effort to wipe out this corruption. I might say that there are other considerations in connection with this subject than the success or failure of either political party. There are the ethical considerations which grow out of a deliberate violation of election laws. It is idle for the public to build churches, to build schools, to attempt to inculcate the principles of religion and morals into the minds of the youth of the country, if the foundations of our political life be submerged in the corruption and rottenness which mark so largely the disclosures which have lately taken place. The morals of the country are the reflex of its rulers and government, as the stream will rise no higher than its source: so it may be said with a great deal of force that the morals and religion of the people will not rise any higher than the moral principles of its rulers or government. I therefore venture to hope, hon. gentlemen, that the ventilation of these scandals will clear the atmosphere and result in a higher standard of public life being observed and adopted throughout our Dominion. There is another subject which I should like to make a few observations upon, but which subject has not been alluded to in the address. I refer to the dispute which has arisen between the colony of Newfoundland and the imperial government. It is a matter of considerable public importance that the protest which has been made by Newfoundland to the imperial authorities against the renewal of the modus vivendi should receive some attention at the hands of this parliament.

The question resolves itself into this proposition, whether without the concurrence and consent of the colony interested, the imperial authorities will assume to deal with matters relating to the rights and the dominions of the colony in question. The statute law of the colony of Newfoundland has been deliberately ignored by the imperial government and the colony has been humiliated in having to yield obedience to a 'modus vivendi' which has been passed between the two governments, but against the protest of Newfoundland. Thus a self-governing colony is driven to submit to an agreement entered into by the colonial minister in London without in any sense being responsible to the colony whose rights or dominions he assumes to barter away. It seems to me this should not involve any detailed consideration of the Bait Act. The legislation in question was certainly within the rights of the colony, and whether that Bait Act is possessed of merit or not will not affect the principle involved in the dispute which has taken place between the two governments. I venture to say that the action of the imperial government is so far reaching in practically handing over the territorial rights of Newfoundland to the United States government, that if the same question should arise in Canada and the

imperial authorities should adopt the same policy with reference to this country, Canada, to maintain its own self respect, would have to resist any such interference. If the self-governing colonies are to remain integral parts of the empire, there must be a recognition of their autonomy in the fullest sense, and an absence of interference. The colonial empire can only be kept together by the fullest recognition of all the rights of autonomy granted by the Crown and immediately the Imperial authorities, represented by the Colonial Office, undertake, irrespective of the wishes of the colony, to barter away those territorial rights or to in any way interfere with the freedom of government which pertains to that colony, then the integrity of the empire is jeopardized. In this particular case there is a law on the statute-books of Newfoundland. There was also the protest of the Newfoundland government against the action of the imperial government, and yet that government, without exhausting all the means of diplomacy, in the face of that protest, entered into a 'modus vivendi' with a foreign state, granting to that foreign state privileges within the territorial domain of Newfoundland not exercised by the people of that colony themselves. I am not contending that the Bond government acted wisely or diplomatically in the course they pursued. In fact, I doubt very much if they have done so, but that is not involved in the larger question we have to consider, namely, the interference of the imperial authorities through the Colonial Office, with the free exercise of the rights of autonomy pertaining to Newfoundland.

Hon. Mr. ELLIS—Is not the Imperial government acting, holding or believing that it acts in regard to the interpretation of a treaty between the foreign power and itself? The hon. gentleman seems to be begging the main question. One feels that in standing up for the rights of a colony he is making a sweeping attack on the mother country in which he is not wholly justified by the facts of the case.

Hon. Mr. LOUGHEED—I understand that the imperial authorities have renewed the modus vivendi from time to time since 1888.

Hon. Mr. ELLIS—Then the modus vivendi is the mode with regard to a treaty already existing—the interpretation of a treaty.

Hon. Mr. LOUGHEED—In 1888, as I understand, a treaty was entered into between the imperial authorities representing the colony of Newfoundland and the United States government. Awaiting ratification of that treaty by the United States Senate, a modus vivendi was passed to permit of that ratification taking place. The United States Senate refused to ratify that treaty. The United States government has asked from year to year for a renewal of the modus vivendi. The colony of Newfoundland has said : We are opposed to a renewal, and has legislated to prevent its further renewal and protested accordingly to the imperial government. Let me say in this connection that it is one of the favoured methods of the United States government to enjoy treaty rights by means of a modus vivendi. The whole treaty history of British North America, and particularly the history of Atlantic fisheries, has been one long story of evasion and bad faith on the part of the United States government. They have entered into treaties from time to time stipulating that there should be reciprocal rights on the part of both countries. Those treaties have been repudiated by the United States Senate, the government of that country knowing well that they would be repudiated, and at the same time they have asked for a modus vivendi to enable them to enjoy the privileges being extended to them without extending to Canada or to Newfoundland the privileges those treaties provided for. As I understand this treaty which was not ratified, but was rather repudiated by the United States Senate, provided that the United States government should have certain rights in Newfoundland ports——

Hon. Mr. SCOTT—The treaty to which my hon. friend refers is not the true one The whole controversy rests on the interpretation of the treaty of 1818 and the peculiar feature of it is that under that treaty on certain parts of the coast of Newfoundland and Labrador, United States fishermen were to enjoy the same privileges as Newfoundland fishermen. It is on the treaty of 1818 that the British government have come to the conclusion that Newfoundland ought to yield, and not on any treaty made by Mr. Bond.

Hon. Mr. ELLIS—I understand the hon. gentleman was speaking of the treaty of 1818.

Hon. Mr. LOUGHEED—There was the treaty of 1818 and there have been treaties since then—the Reciprocity Treaty of 1854. the Washington Treaty of 1871, and the treaty of 1888.

Hon. Mr. SCOTT—Those have been only temporary treaties.

Hon. Mr. ELLIS—As I said before, I am in sympathy with the desire to preserve colonial rights, but the mother country has rights also, and, failing other treaties, every thing goes back to the treaty of 1818.

Hon. Mr. LOUGHEED—As I have said to my hon. friend, they are thrown back on the treaty of 1818. The Newfoundland government has very properly said if the treaty of 1888, which embodies the agreement then entered into between the two governments, has not been ratified by the United States Senate, they are then thrown back on the treaty of 1818 and they have so legislated that the terms of the treaty of 1818 may come into force. True the imperial government has not viewed that favourably, but the question arises as to whether the United States government shall be entitled under a modus vivendi to enjoy all the rights which they were to enjoy under the 1888 treaty without extending reciprocal rights from that government. We know this modus vivendi gives to the United States right which the Newfoundlanders themselves cannot enjoy. However, that is not the question. The question is, whether the colonial office in London, manned as it may be by those not in sympathy with colonial rights, will undertake to barter away the territorial rights of a colony without exhausting all the means of diplomacy to avoid such a result. I quite conceive there are exceptions when there should be intervention by the imperial government, namely at a time when the exigency of war may possibly arise in a dispute between the colony and the foreign state. I must freely admit the right of intervention at such a time upon the part of the imperial authorities, but not when there is a probability that by the adoption of proper diplomatic measures the dispute between that foreign state and the colony may be satisfactorily arranged. I think it not undesirable that there should be an expression of the Canadian parliament upon a subject so germane to our relations with the imperial authorities before the colonial conference. I notice that very much the same dispute has arisen between the colonial office and Australia and New Zealand, and it is only a short time ago since a joint protest was sent by the premiers of New Zealand and the Commonwealth to the imperial government as to the Anglo-Saxon convention with regard to the New Hebrides and entered into against the protests of the governments of the Commonwealth and New Zealand. I might refer to a similar dispute between the colonial office and Natal, in which the colonial office had to recede from the position it took with reference to the Natal question, so one may readily appreciate if the colonial office is to adopt the high-handed policy it has been following of late as against the wishes of the colonies, it certainly will jeopardize the integrity of the empire. It is therefore a wise precaution to now raise a protest against any such interference on the part of the colonial office.

I notice there are two or three other subjects mentioned in the address to which I will not allude this evening owing to the lateness of the hour, excepting to say that the mention of those Bills suggests that it would be a very proper thing for the government to introduce them in the Senate. We know at the opening of this Chamber in the beginning of the session, there is very little work to do, and when it is apparent that the government has many measures to introduce such as are mentioned in the address, the Senate is entitled to consideration at the hands of the government which will warrant them introducing those Bills in this Chamber.

Hon. Mr. SCOTT—Owing to the lateness of the hour I move the adjournment of the debate. With reference to the remarks of the hon. gentleman just before he sat down I may say there will be some Bills introduced in this Chamber. The Revised Statutes are presumed to come into operation on the first of January next, and it is important that it should be passed before the end of the year, and assented to before the 31st of December, so hon. gentlemen will

recognize that the Senate will have at all events to sit for some little time, even into the next month, which I hope will be rapidly acquiesced in by hon. members. I am aware that a number of gentlemen have expressed their desire that we should adjourn at an early day. Of course any such adjournment will be over the Christmas holidays, and that will be an adjournment for five or six weeks. It would be rather unseemly to adjourn for so long a period, and I hope hon. gentlemen will recognize the propriety of remaining here while there is any work to be done. There will be in addition to the Revised Statutes two other Bills that I shall have the pleasure of submitting for the consideration of this body, so we shall have something to do. I hope some private Bills will be introduced also to give us occupation.

Hon. Sir MACKENZIE BOWELL—Is there any probability of the Revised Statutes being laid on the table before we are asked to ratify them, or are we expected to ratify them without knowing what they are?

Hon. Mr. SCOTT—The indexes are not yet completed. What I proposed to do was to lay on the table probably two or three parts of the Revised Statutes in their present condition contemporaneously with the introduction of the Bill to which I allude.

The motion was agreed to.

The Senate adjourned untill three p.m. to-morow.

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## THE SENATE.

OTTAWA, Tuesday, November 27, 1906.

Mr. BAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## CORRESPONDENCE RE ROSS RIFLE COMPANY.

### MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House a copy of all correspondence exchanged between the government and the Ross Rifle Company or any other association or military body or any person whomsoever, or between the various departments of the government on the subject of the Ross rifle, of the inspections which it has undergone, of the improvements which have been suggested, of the complaints which have been made, or of the reports which have been made.

The motion was agreed to.

## ROSS RIFLE COMPANY.

### INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. On the 1st November of the present year how many rifles had the government accepted from the Ross Rifle Company (a) of Mark No. I. (b) of Mark No. II. ?

2 Out of that number how many of each pattern were accepted since the 1st May last ?

3. How much has the government paid up to the 1st November instant for all the rifles which it has accepted from the Ross Rifle Company, distinguishing the payments made for Mark No. I. and the payments made for Mark No. II. ?

4. Of these payments what amount must be deducted for the sums paid between the 1st May and the 1st November of the current year ?

5. On the 1st November instant what was the amount advanced by the government to the company as payment in advance for rifles in course of manufacture but not yet accepted by the government ?

Hon. Sir RICHARD CARTWRIGHT—In reply to the hon. gentleman I may say as regards question No. 1, the answer is 10,500 rifles of mark I have been accepted and 9,000 of mark II. In reply to the second question, 3,000 of mark I and 6,000 of mark II. In reply to the third question, $262,500 have been paid on account of mark I and $225,000 on account of mark II. As regards the fourth question, $75,000 on account of mark I and $150,000 on account of mark II. As respects the fifth question $412,322.51, on the certificates of the inspector and chartered accountant respectively, paid on account of the 32,500 ordered and in process of manufacture.

## THE ADDRESS.

### DEBATE RESUMED.

The Order of the Day being called,

Resuming the adjourned Debate on the consideration of His Excellency the Governor General's speech on the opening of the Third Session of the Tenth Parliament.

Hon. Mr. SCOTT—I desire heartily to concur in the observations with which the hon. leader of the opposition prefaced his address last evening, in which he compli-

mented the mover and seconder for the manner in which they had discharged the duties that had been assigned to them. The hon. gentleman who moved the address is one who has for a long time occupied a position in the financial and industrial world and may be regarded as a very great acquisition to this Chamber, a gentleman who is familiar with the business of Canada to probably as great a degree as most of those who are in the Senate to-day. My hon. friend, the youngest senator in this Chamber, as he styles himself, perhaps also the youngest gentleman in the House, certainly acquitted himself in a most creditable manner. He gave promise that in the future he will prove a very valuable member. He comes from an aspiring city, Edmonton, which is growing at a very rapid pace, and promises to be a large centre of trade in the Northwest.

I am sorry that I cannot concur in any of the observations which were made by the other hon. gentlemen. I do not think that they did him credit, nor were they worthy of the address to the body in whose presence he spoke. He passed over the first paragraph or two of the address in which reference is made to the prosperity prevailing, in a very flippant manner, saying that Providence had to do with that and no credit could be attached to the government of the day for it. Well, it is a very trite remark that Providence helps those who help themselves. It does not appear that Providence helped my hon. friends very much from 1878 to 1896. During those years trade stagnated, notwithstanding the efforts made under the National Policy to galvanize it into life. In that whole period of time the aggregate trade of Canada advanced only $67,000,000. The theory established by the National Policy was that the farmers were to sell to those employed by the manufacturers and the manufacturers were to grow rich by selling to the farmers. It was the old story of exchanging jackknives. Foreign trade was not cultivated; no effort was made to establish it, and in consequence there was no progress made. Instead of population increasing, as hon. gentlemen know, year after year it rather diminished in many of the provinces. The exodus was a familiar topic of discussion every time parliament met during those eighteen years. I will give just a few figures in illustration of what I am saying. I do not propose going into the subject at any length; it has been explained on many occasions before. The average annual increase in bank deposits between 1878 and 1896 was $6,000,000. The average increase between 1896 and 1906 was $34,000,000, nearly six times as large as when the National Policy prevailed. The aggregate trade increased annually only $4,000,000 in the period when the hon. gentlemen were in power; the annual increase in the nine years up to the last returns we have officially was $23,000,000. So that practically as far as bank deposits and the aggregate trade are concerned the difference is as six to one. Now, that is a marked difference. That did not come by accident or chance. It must have been the result of some strenuous effort on the part of the government. The sun shone as brightly during the years my hon. friend sat on this side of the House; the opportunities for the growth of the products of Canada were equally great, but they did not avail themselves of those opportunities. I could produce any amount of figures to sustain my statement, but I do not feel that it would be dealing fairly with the House to occupy its time with an off-told tale. It has been often given to this House before, and I think everybody is satisfied that it is to something more than the cause ascribed by the hon. gentleman who leads the opposition the extraordinary advance and development of the country during the relative periods to which I have adverted is due. The government spent money largely in their efforts to develop trade; they spent money lavishly to increase the growth of population. They had agents in the United States bringing before the people of that country the advantages that Canada offered, particularly to the farming element, and the investment met with a fair reward. In the same way all over Europe large amounts of money were spent by immigration agents to show the advantages of taking up land in Canada. I come now to the statement my hon. friend made in which he said: 'The Liberal party has been strangely inconsistent, and has shown little candour or honesty in masquerading as free traders for the last ten years. The govern-

ment knows, the manufacturers know, every intelligent member of the Liberal party knows that the tariff which will be brought down to parliament in the course of the next few days will be as highly protected as any tariff that has been submitted to a Canadian parliament.'

I scarcely think that my hon. friend will prove to be a true prophet in the statement he has made. This government never posed as a free-trade government.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SCOTT—The government of Canada, antecedent to 1874, had maintained a revenue tariff. When the government of 1874, with my hon. friend on my right (Hon. Sir Richard Cartwright), as Finance Minister were in power, there was a revenue tariff, the average rate being 17½ per cent. In theory they favoured free trade, but it was impracticable under the circumstances then existing. You cannot violently change the tariff of the country. That was done in England when the change was made from a moderate tariff to free trade, but it was done in the face of starving millions who, unless that policy had been adopted, would have been unable to live absolutely.

Hon. Mr. LANDRY—Why was it promised?

Hon. Mr. SCOTT—Who promised? Promised what?

Hon. Mr. LANDRY—Your platform.

Hon. Mr. SCOTT—It was never promised.

Hon. Mr. LANDRY—Oh, oh.

Hon. Mr. SCOTT—Free trade was the ideal aimed at, but the hon. gentlemen in their last term of eighteen years made it impossible for any government to adopt free trade. What did we find when we came into office? A vast number of industries not naturally to be supported in Canada had been artifically constructed, hundreds of millions of money had been invested, and was this government when it came into power to sweep all that away and confiscate that property? No, they were not so unpatriotic as to do anything of the kind. Whatever their views were on the subject of free trade they felt it was simply impossible. Their task was to moderate, to modify, to soften, and that is what they did in the tariff of 1897, and to that tariff is largely due the increased prosperity of which I have given a few illustrations. More particularly the British preference which brought down even that tariff to one-third eventually of its ordinary basis. So that the tariff was brought, by that action, as low as it was reasonably possible to bring it. And what was the effect? Our trade with the British islands which had been steadily falling, which had in 1896 fallen to somewhere about twenty-five millions, and gradually got down to twenty millions, is now going up by leaps and bounds. It has now reached, if I am correctly advised, in the neighbourhood of $60,000,000. The hon. gentleman's criticisms were not well placed, and I think he will find he has not been altogether a true prophet when the budget speech has been delivered. I make no observations as to what is likely to be done, but certainly it will not be the high protective tariff which the hon. gentleman has foreshadowed.

The hon. gentleman maintained that our tariff of 1897 was no change from the protective policy. I maintain that it was. It went as far as we were justified in going. That was the opinion of those who criticised it at the time. I have under my hand here a speech of Sir Charles Tupper when that tariff was going through the House. What did he say about it? He foreshadowed destruction to the industries of Canada. He believed that it was going to destroy the enterprises that were built up by the government of which he had been a member. He stated that the industries of the country would be paralyzed and asked if hon. gentlemen were prepared to vote for the destruction of Canadian industries. He declared that a deeper wrong could not be inflicted upon Canada than would be inflicted by the adoption of the proposed tariff.

That was the opinion of a gentleman who was prominent in the councils of the Conservative party when our tariff of 1897 was introduced. Was his prophecy correct? What has been the prosperity of the factories of Canada, with the single exception of the woollen factory? They have been expanding year by year, and millions of additional capital has been invested. They would have been larger to-day if they

could have obtained the labour to meet the demand. No such prosperity at any time during what was called the National Policy stimulated the industries as they have been stimulated in the last nine years. It requires no evidence of that. There is no manufacturer in Canada who will deny it. It is not pretended at all. So that the policy adopted, even a modified policy as far as tariff was concerned, has not only benefited the whole country, but has actually benefited the manufacturing industries. The people were able to buy more from them; had more money to spare, and so the manufacturers received the benefit of it.

Now, I come to a branch of the subject in which my hon. friend was even more bitter and more severe in condemning and in holding this government responsible, and that is the frauds practised at elections. Let me quote his language. He said:

'Can we for one moment conceive that the gangs of political pluggers, switchers and bribers that have passed up and down this Dominion for some years as has been established in the tribunals to which I am referring, have been set in motion of their own volition? It must appeal to the intelligence of every public man that this machine, made up of these law-breakers, would not have been set in motion by themselves.'

Then he goes on to say: 'It is idle for the government to deny the responsibility.' These are his very words. I say there is no justification for that statement. Both parties have from time to time in the last 50 or 60 years, to my knowledge, contributed to secure greater purity in election. If the record is examined carefully, it will be found that the Liberals have suffered more from the fact that the Conservatives were in office for a longer period. A larger number of amendments made to the election law in the direction of securing greater and freer exercise of the franchise were made by the Liberal party. I have under my hand here a law, the larger portion of which is in force to-day, that the Conservative party in their eighteen years did not improve or modify. It was passed in the year 1874, during the administration of which my hon. friend and myself were members. It was improved somewhat in this Chamber when it came up here. It provided the most stringent clauses against bribery, against switching ballots, against every possible device that could be conceived of, that had been practised either before or since. I may say also that it is due to that same government that the system of voting by ballot was introduced. That was thought to be an advance, and to-day is regarded by the majority of people as a material benefit to the exercise of the franchise, enabling every man to give his vote privately and secretly, without compulsion or intimidation, and if he does take a bribe the man who bribes him is not sure how he votes after all, unless the switching is adopted. I will just refer to to the Act of 1874. I have looked casually over the election law, and I do not find that it has been materially altered. Section 68 provides for the cases of forging or counterfeiting or fradulently altering or defacing ballot papers, or supplying ballot papers to any person other than the legitimate voter, putting into any ballot box a ballot not authorized by law, and a variety of cases of the same character. The fine to be imposed was not to exceed $1,000. The imprisonment was to be for any term less than two years. That is as far as ballots were concerned. There were provisions made in regard to the custody of the ballot boxes; provisions for the maintaining of secrecy, severe punishments being provided in case of personation, which was to be punished by a fine not exceeding $200 and a term of imprisonment not exceeding six months. If a candidate was convicted of having taken part in the crime of personation, he shall be disqualified from being a candidate at that election. Then strangers were not allowed to enter the polling district armed. Entertainments were forbidden, ribbons and flags were not allowed, taverns were to be closed, and so on. Now, the definitions of bribery, I believe, are much the same. I need not read them all, but they are under section 92. I compared some of them, and I find that they are word for word with this. Some changes have taken place no doubt in other clauses, but the majority of the clauses—and they are very full, extending over a number of pages —provide the most ample remedies and punishments for parties who are in any way guilty of bribery or impersonation or in-

terfering with a pure election. I think, therefore, the hon. gentleman, was not justified in ascribing the frauds which have been practised, and of which he gave only one illustration, that of London—I say that he was not justified in the criticism that he made after the course pursued by the government. I am quite as free to condemn what occurred in London as any one. No one could defend it, but you must remember the environments. With reference to all this bribery, it is strange to say that in the statements made by the parties, four-fifths of them declaed that they were going to vote for Hyman anyway, so that it did not materially affect the result. Mr. Hyman was elected by a majority of over 400, or in the neighbourhood of 400. No such number as that, nor one-half, nor one-fourth of that number have been shown to be bribed. It was not shown by the evidence that Hyman was cognizant of it. It must have been known to the London people, and why did they not file a protest and contest the election and then the whole matter would have been brought out squarely and the trial judges could have disfranchised those voters who were found guilty of accepting a bribe? There was the opportunity. The Conservatives did not do it. Why did they not do it? The only conclusion one reaches is that they were just as bad themselves if not worse. By common consent nothing was said about it. The environment of London had not a very good record in the past. I do not propose to go into it. I do not propose to refer to it at all. It is not a matter for this Chamber, but no one will deny the statement I make that it was not the first time that charges of corruption had been made with reference to London elections. The hon. gentleman spoke about ballot switching and talked about it existing everywhere. He did not define where everywhere was. It is very well known where it began. It was when Mr. Birmingham sent Freeborn up to Manitoba in 1896. The evidence all came out in the courts. It was well known there that he went around and instructed parties at the different polls how they were to switch the ballots. That was the first time we ever heard of ballot switching.

Hon. Mr. WATSON—He was a good man in North Bruce.

Hon. Mr. SCOTT—I do not know about that. My hon. friend can tell us about it. But there is the fact that it was practised on a large scale and that it came before the court. At least one member was unseated on the evidence disclosed in Manitoba. So that I think that the hon. gentleman was not justified in the extreme language in which he indulged and in which I would be sorry to follow him, giving us no positive evidence, simply generalities, expecting everybody to believe the statements he made. According to his view the majority of the Liberal party were elected just the same way. I think the hon. gentleman could not be sustained even by his own friends in the extreme statement that he made on that point to the House last night. The hon. gentleman said that he did not believe it himself. I do not think it is dignified to make a statement of that kind in this Chamber unless they have a fair and honest basis. There are many gentlemen who have vivid recollections of fraud having been practised on them by the Conservative party. I think there are many sitting in this Chamber to-day in that position. I have heard reference to it in the past. Perhaps if these hon. gentlemen are invited to speak they will be able to throw some light upon what frauds have been perpetrated in the past. If I choose to go into that sort of work I could give the House a great many instances that would rather startle hon. members. My recollection goes back a very long time. My first remembrance of elections is when an election occupied a week. Then there was but one polling place, and the stronger side carried the day; when each side had a house open, and when men hung around and drank for three days in the week at the expense of one candidate and for the other three days at the expense of the other candidate. Nothing but debauchery during the whole period. Then the next change was the creating of a number of polling divisions. Then came the law reducing the time to two days. In my recollection the voting extended for two days—open voting. I will not say what occurred upon such occasions; I could throw some considerable light upon the subject if I wished to go into it, but I do not choose to do so. At that time the contested elections were decided

by a committee of the House and not by the courts. There were pannels formed, and when a committee was chosen it was two and two, two from the Liberals and two from the Conservatives. The chairman was selected by ballot, and a number of the leading lawyers in the House were put on this pannel, perhaps four or five or six, and the name of the chairman was drawn. When his name was drawn it went around the House at once that so-and-so would be unseated, or so-and-so would be confirmed in his seat, depending entirely on the choice of the chairman. That was the condition of things at that time. I was on the chairman's pannel and know something about it. I say for myself that I did not follow the rule in vogue at that time. As to the conditions of the trials in those days, it was a perfect farce. I will just mention one case There was an election of three members in the city of Quebec in 1857. They were elected illegally by names being added on the voters' list. It was notorious and it was not denied. The committee was chosen and it so happened that a friend of the member was chosen as chairman. The inquiry went on year after year, session after session, until the very last session of that parliament, and when the guns were being fired for prorogation the committee brought in a report unseating the member. That was an illustration of the methods that were pursued in those days. That is an absolute fact—just as true as I stand here. I know all about it. That was a condition of things which the Liberals at all events endeavoured to mend. They did their part, not but what the Conservatives did the same. I am willing to give tribute to both sides for the various changes that I could enumerate from the earliest period to the present time, but I do say that a large part of the credit in reference to the ballot system is due to the Bill drawn up in 1874 by the government of which I was a member. Any hon. gentleman who will take the trouble to look at chapter 9 of the Dominion Elections Act of 1874 will find confirmation of the statement that I have made that the first substantial attempt that was made to secure pure elections, and to exclude bribery, was made by the Mackenzie administration in 1874. I do not know that I will pursue that subject any further than to say I shall always be glad, and I am quite sure the members of this government will always be glad to receive any suggestion that will tend in any way to improve the election law. This House will have an opportunity of passing on it, and a Bill will come before the House and will be submitted, no doubt, to a committee on both sides, and if the law can be improved in any way, I have no doubt the leading members on both sides will cordially support each other in bringing about that result. I have, perhaps, somewhat advanced views on that subject. I believe in compulsory voting. I believe that would have a good effect. There are a large number of men who on occasions of elections hold back and wont vote, hoping to be bribed by one side or the other. I would make it compulsory that every man should go to the poll and drop in a ballot. It may be a blank ballot. He need not sign for Smith or Brown unless he wishes to, but it is due to the community that he as a citizen should take his part in the administration of the laws of the country, and I supported that proposition thirty odd years ago. It was first brought up by the late Mr. Bethune in the Ontario Legislature in 1873 or 1874. I think it would be a move in the right direction.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentlemen if that is to be one of the provisions of the new law ?

Hon. Mr. SCOTT—No, I do not know that it is. I do not think the government have considered it. I have perhaps myself sometimes mentioned it as my own view, but it has not been adopted. I shall be glad if it is adopted, and if it is not adopted in the other House I shall be glad to see this House adopt it, because I am convinced it will be a move in the right direction. Then I should not allow any man to be a deputy returning officer or clerk at an election unless he is a resident in the locality. If he be a freeholder or householder so much the better. He should not be an outsider but should be a man known to the people who come up to vote, a man occupying some responsible position, in order that there might be some security that he would discharge the duty imposed upon him. There are several other suggestions I may make

at the right time, but I throw these out in order that hon. gentlemen may have an opportunity of thinking it over, and I shall be glad of any advice or assistance that can be given in the way of perfecting and improving our system of securing pure elections. From the review I have given, we must all admit that a very great improvement has been made, in the election law—that the method of securing fair and pure elections has been enormously advanced. Unfortunately bribery is a most difficult element to combat. The tendency of the age is for the acquisition of money. Wealth seems to be an ideal point that all are seeking to attain. Naturally those who have not it seek to obtain it in ways that oftentimes are not justifiable. Possibly influences across the line have something to do with it. I notice that Mr. Hearst admits having spent over $260,000—over a quarter of a million, in the contest for Governor of the State of New York. So that it is an extremely difficult poblem to check bribery. I think it is manifestly unfair for the hon. gentleman to hold the government in any way responsible. They have not the execution of those laws. If any of the cases to which the hon. gentleman adverted had come under the purview of the courts, something would have been accomplished, because the briber would have been disfranchised, and the court could report anybody found guilty of crime to the House and due punishment would have been awarded, but it was allowed to go. An inquiry was made for political purposes. The man who started it was a Liberal. He professed to have expended seven or eight hundred dollars of his own money, and demanded from Mr. Hyman's committee payment of this amount and something more. The committee declined to be blackmailed, and he warned them what the consequence would be. They never dreamed that he could make such a disclosure, or that there was such a disclosure to be made. I am told—I do not make the statement on my own authority—that the Conservative party paid this man a considerable sum, a good deal more than he could get from the other side, for the information which he subsequently gave as to the men who had been bribed.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had read the evidence carefully, he would have found that that was positively denied.

Hon. Mr. SCOTT—There is a gentleman present who can substantiate it. I do not know that I have any observations to make on the controversy existing between Newfoundland and the United States. I think it was rather unfortunate to drag it into this Chamber, because the Chamber was not in possession of all the facts. The hon. gentleman assumed that the British government were not warranted in giving permission for the present season only to the United States fishermen to fish in the waters that were referred to in the controversy. Now I have looked very carefully over the points in issue and I think the British government made only one mistake, and that was in allowing one of the terms, namely that the United States fishermen were to be permitted the use of purse seines, because that was against the law of Newfoundland and of Canada. Canada was in a measure a party to the arrangement, because it refers to those portions of Newfoundland that were mentioned in the treaty of 1818, in which United States fishermen were given the same rights as Newfoundland fishermen possessed. There was no qualification to that. In reference to the points that were named, whatever rights the Newfoundland fishermen had, the United States fishermen had under the treaty of 1818. That also covers parts of Canada—the Magdalen Islands and the Labrador coast. We made no protest, but it became evident before anything had been done that the United States discovered a mistake had been made, because the fishermen agreed at once of their own motion apparently, but no doubt under the influence of the United States government, not to avail themselves of the permission to use purse seines because the use of purse seines is contrary to the laws both of Canada and of Newfoundland. But, outside of that, I do not think that the observations made by my hon. friend were quite justified without a fuller knowledge of the facts. The treaty of 1818 has been a good deal commented upon. The United States is endeavouring to get away from it. It has never been repealed, although they maintain that tacitly it has been revoked. The facts will not bear out that contention. It was a pretty hard treaty no doubt. It was made at the

cannon's mouth. The United States took advantage of the condition of Great Britain in the war with Napoleon, and made war on Canada from 1812 to 1815. This treaty came after Great Britain was free from the complications which had existed in Europe—free to impose terms on the United States which she did. As hon. gentlemen know, the United States fishermen are allowed to enter Canadian ports only for four purposes, for shelter, for wood, for water, and for repairs. Modifications have been made of our own motion by license from time to time, and of course that treaty has not always been enforced because it was held in abeyance during the years from 1856 to 1866. Also for a time while the fisheries clauses of the Washington treaty were in force, but at other times it has been enforced by Canada, not perhaps to the hilt, not to the full extent, because there has been a tendency rather to modify than to avail ourselves of the extreme rights conferred upon this country under that treaty.

Perhaps I have spoken longer than I intended. There is very much more that might be said in answer to my hon. friend, I have no doubt that some of those gentlemen who listened to him will remind him of incidents in the history of the Conservative party which perhaps were not any more creditable than those which occurred in London.

Hon. Mr. McMULLEN—I fully expected that some hon. gentleman on the other side of the House would have thought it worth while to at least make some reply to the speech that has been delivered by the leader of the Senate. He has fairly well answered a number of the points that were presented by the leader of the opposition, and certainly we should give some extended consideration to the contents of the speech from the Throne. We are here for that purpose, and it is our duty to criticise as well as to command. I shall endeavour to give some little attention to the address that was delivered by the leader of the opposition. In the first place we can all agree upon one point—that is we rejoice unitedly upon the prosperity of the country. As true-hearted Canadians, whether we are Grits or Tories, we must certainly rejoice at the prosperous condition of things generally throughout this country. I am quite prepared to admit that Canada is not exceptional in this, because we know that prosperity prevails in other countries as well as in our own. We are glad to know that, but we are glad also to know that when prosperity does prevail we reap a fair share of it and that our country is progressing rapidly. Years ago if any person had spoken of a city such as Rossland or Cobalt in any of those places that are rapidly growing to be populous centres, he would virtually have been laughed at. Nobody every thought that in those rocky romantic districts, removed such a distance from civilization, we would have within a few years the very desirable development that has taken place. We rejoice to see it and hope earnestly that it will continue. We rejoice to know that an increased amount of valuable minerals is taken out of our mines every year, and by and by we hope to be able in that industry to compete with our neighbours to the south. We know how they have enriched their country by the development of their mining industry. In connection with this matter I regret to think that almost the entire output of our mines is exported to the United Sates. I should like to see smelters established in Canada and a large refinery for the development of our mineral wealth. I hope the day is not far distant when we will possess something of that kind. Last year we exported to the United States over $28,000,000 worth of minerals in their raw state. Labour is expended upon those minerals in refining them, and in that way our neighbours make the product of our mines of greater value than the price paid for them. No doubt they yield a very large increase in value by the amount expended upon them for labour. I should like to see refineries established here in order that our ores may be smelted and our metals coined in Canada.

A good deal was said by the leader of the opposition on the subject of the tariff. I am glad to know that there is not such a vast difference between us all on that question. Years ago, when the Mackenzie government were in power, we had a tariff for revenue which was prudently and carefully administered. After the change of government, we had an excessive dose of protection. I do not say that protection,

if properly applied, is bad under certain conditions. The fact is that in the present state of affairs we cannot possibly carry on the administration of this country without a certain measure of protection to our manufacturing institutions. If we are to grow to be a country at all we must certainly grow along four or five lines. Agriculture is the leading industry. Next to that comes mining which has been largely developed. Then comes lumbering, then manufacturing, and our fishing industries. All these different industries must be encouraged in their development if we are to grow and prosper as a country, and in order to do that we must see that they get a fair opportunity to make headway against the competition to which they would otherwise be subjected by the country to the south of us. The United States have intentionally struck at Canada in every move they have made with their tariff. They commenced years ago by passing the McKinley Bill. After it had been in force for some time it was modified after Cleveland came into power, and for a number of years Canadian commodities entering the United States were not subjected to the extreme restrictions that had been placed upon them before. The tariff was modified a little, not very much, but after all it was a move in the direction of giving us some access at least to their market. Afterwards, when the Cleveland administration was turned out of power and the Republicans succeeded to office, they not only re-enacted the McKinley Bill but made its provisions even more stringent under the Dingley Bill. The result was to shut everything out of their country that they could possibly keep out, down to an egg or a load of straw. They would not allow anything to enter their markets from Canada that they could produce themselves. I have no doubt the intention was in taking a course of that kind to eventually force Canada to whine for annexation—they expected that the people of this country would proceed to Washington and go down on their knees and beg for some concession whereby we might have an interchange of trade with them. Instead of doing that, the Canadian government took another course. They perfected and adopted a system of cold storage whereby the perishable products of this country could be taken across the Atlantic in as perfect a condition as when they were shipped. They arranged for refrigerator cars which received the cheese and butter and other perishable commodities at the doors of the different factories, and conveyed them to the sea-board where they were transferred to the Atlantic steamers, and taken across the Atlantic and laid before the English consumer in as perfect a condition as when they left the place of production. By sending home commercial agents and endeavouring to create a demand on the part of the English consumer of the Canadian commodities, we have become independent altogether of the United States. We have now established a condition of things that is completely satisfactory to the producers of this country and we can afford to live independent of Uncle Sam. He can pass his Dingley Bills and his McKinley Bills, but we Canadians will forge ahead on our own course, and if our affairs are carefully and economically handled develop this Dominion into an important industrial country and eventually become very formidable competitors in many lines with our neighbours in the markets on the other side of the Atlantic. We do not find fault with the United States for having pursued the course which they thought best in their own interest. They had a perfect right to do so, but they are beginning now to talk of better trade relations with Canada. Some of the cities and towns and districts in the United States have commenced to move in that direction. They are becoming very large manufacturers and exporters of manufactured products and they want more extended markets. They want to reach desirable places of consumption, and no doubt Canada being one of their largest customers—and I am sorry to say it—they want to make better arrangements with us to extend their trade here. Well, if they want to do more trade with Canada they have the means in their own hands. Let them take down their tariff barrier and show a willingness to meet Canada on fair ground, but they must take that step before any improvement can be effected. Their tariff against us is something like 48⅔ while our tariff against them is only about 24.83. If they are disposed to reduce their tariff and meet us on a fair footing we might be disposed to consider the matter, but it would be folly for us to

interfere in any way with the advantageous conditions we have in the British market at the present time. We cannot forget the events of the past. We had a reciprocity treaty with the United States from 1854 to 1856. Our neighbours abrogated that treaty. We do not know, if we should abandon our desirable position in the British market in order to increase our trade with our neighbour across the border, how soon they might come to the same conclusion they reached in 1866 and give notice to abrogate any treaty we might enter into, and we would be back again to where we were 40 years ago. We would have to do all the work again that the present government has done in perfecting our arrangements in the English market and in getting us the desirable conditions that now exist. I think we had better keep on the even tenor of our way, and we cannot do that unless we meet our neighbours along the same lines as they meet us. I do not want the high protective tariff they have in the United States. They have injured their own people by that tariff, but I do want to see a tariff in Canada so adjusted that it will encourage every industry the raw material of which is found here and the conditions for prosecuting it are favourable. I want to see every such industry get a fair opportunity of succeeding. It should be protected against competition that would ruin it. We will never grow to be a country unless we do that. The difference between the tariff in force to-day and the tariff in force in 1896 is simply this : the latter was a tariff that aimed first at protecting every manufacturing institution; the question of revenue was a secondary consideration. The tariff that is in force to-day, and under which we have made such admirable progress, is aimed at raising a revenue sufficient to meet the demands upon the Dominion treasury, and so adjust it as to give incidental advantage to industries that we believe should exist and prosper in Canada. We do not want to go back to the condition of things we had under the old tariff. To illustrate how it was framed, protection was given to the manufacture of stoneware and crockery of all kinds in this country. We had an establishment down on the banks of the Richelieu where they undertook to manufacture ordinary stoneware. Where did they get the sand? They had to bring it from the United States. Where did they get the clay ? They had to bring it from the United States. We had nothing in Canada but the water and a heavy duty was imposed on the people of this country in order to establish an industry of that kind. That is carrying protection to an excess altogether. We do not want that kind of protection, but we do want a protection that will enable us to promote industries which will develop and use the raw material in the country, where we have reason to believe that the attempt will be successful. We can come together Grits or Tories as loyal Canadians and support a tariff that will bring about such a result, and I believe it will bring it. We are driven by necessity to do it. We cannot afford to allow our neighbours to slaughter their products in our market and ruin our whole industrial development. No matter how desirable it might be to cheapen the ordinary articles of every-day life for our consumers in Canada, it would not be wise to make Canada a slaughter market. I know our friends in the west are anxious to get their supplies at the lowest possible prices, but while that is desirable, we must look after those institutions that we would like to see prosperous. I am glad to say most of our institutions are prospering at the present time, though the woollen factories complain of being injured under the British preference. I hope some change will be made to give these people an opportunity of improving their condition.

A good deal has been said about our election law. We had quite a tirade or criticism last night from the leader of the opposition, regarding the wickedness of the Reform party, and the switching of ballots and all that kind of thing. I frankly admit that such evils should be abolished. I deplore the fact that switching ballots and corrupt practices at elections were ever introduced in Canada, but in looking over the field we have crossed—and a good many of us had extended political experience—we cannot help remembering what has taken place in the past. The Reform party was subjected to ballot switching, and ballot stuffing for years and years before we knew that such an abominable, wicked system was in practice at all. We could

not understand why in many cases, constituencies which were looked upon as safe to the Reform party returned Conservative candidates. I am satisfied that corrupt practices prevailed in the constituency I had the honour of representing for nineteen years—that ballot switching in some cases was resorted to for the purpose of defeating me, but notwithstanding that I fortunately was successful in five successive elections. Reference has been made to Macdonald, Manitoba. The Conservative party overdid the work there. In 1896 they returned their candidate by a majority of over 350. The Reform party could not understand how that happened. They were amazed at such a result, but Dr. Rutherford, the defeated candidate, was rather inclined to accept the verdict. He could not understand how polling subdivisions which had been counted on to give large majorities for him gave majorities the other way. I do not know that the truth would have ever been found out had not Mr. Freeborn, before he left Manitoba, when in Winnipeg, let the cat out of the bag. He got a little more in him than he could carry with prudence, and while in that state said that the Reformers in the constituency of Macdonald had got it in the neck ; they would never find out how or in what way, but they got it all the same. After that Dr. Rutherford made up his mind that he would test the whole thing. He sent out an invitation to every elector in a polling subdivision who had promised to cast his ballot for him to meet him at a central place in that polling subdivision. They came in forty-five or forty-seven men, and all swore that they had marked their ballot for Dr. Rutherford, and when the ballots were counted, only 17 were found in the box marked for Rutherford. There was a case of ballot switching. For whom was that done ? For the Conservative candidate in Macdonald. There was a case where ballots were switched and the mischievous work done. Nobody was suspicious. How did it come that Mr. Freeborn went there to do that work ? It appears that Nat Boyd was under the impression that he could not be elected unless there was some such move, and he telegraphed down to Birmingham, the chief organizer of the Conservative party, that he wanted some man, wanted an assistant, wanted to know if they could not send him a man there who would devise some method by which he could be elected.

He telegraphed back that he would send Freeborn, and he said he was a good man in North Bruce; he had accomplished a lot of work there. Well, we never found out about North Bruce. We did not know anything about it. He went to Winnipeg, but he overdid it—at least he was found out. Notwithstanding this fact the hon. leader of the opposition holds up his hands in holy horror at what has happened in London, as if the practice was new and the Reform party alone responsible; that they were the guilty party and that they should take the blame for the whole thing. I regret very much that the Reform party ever stole the patent of our hon. friends in the matter which he speaks about. They controlled that business for years and years, and we knew nothing about it, and I am ashamed to think that the Reform party ever did use the same weapons as were used against us, although when two men get into a quarrel, and after the quarrel starts, if one finds that the other has a pair of steel knuckles on his hand, if he has a pair in his pocket he will very likely put them on, or when a fight starts one draws a club from behind and begins pelting his opponent, the probabilities are that if the other fellow can get a club he will use it too. That is natural in a fight. Both parties have adopted ballot switching, unfortunately. In the case of London I do not believe from all the evidence I have seen, that Hyman was a party to the wrong doing that was practised there. I have not the slightest doubt that perhaps his friends, in a feeling of enthusiasm and a desire to see him elected, resorted to the means that were adopted, and they borrowed the weapons of their opponents and used them. It is a pity they ever did it. I have no doubt whatever that Hyman would have been elected in any event, but after all they did it. Now let us pass a law which will strike at the root of all these things. Let us put a stop to this ballot switching and ballot stuffing. Surely the legal ability of this country, the men who have for years and years been investigationg these cases, in-

quiring into the evil and ascertaining how it was done, can get to work and pass a law that will completely stop this abominable business and permit the electors of this country to record their votes without ballot switching or ballot box stuffing. I condemn any man who has been guilty of it. I care not what his political creed or affiliations may be. We want no more of it, and I hope this session the Bill that will be presented to us will be so framed that it will put an absolute stop to this kind of thing. I entirely agree with the hon. Secretary of State when he said that he was in favour of compulsory voting. I am also in favour of it. I think a law should be enacted that every man who chooses to be an elector must go to the poll and record his vote. I would give him the choice, because we have some men that have conscientious scruples about voting at all. I would give those men an opportunity when the assessor goes around to their houses of deciding. The assessor would say to the man: 'Mr. Brown, I want to know if you wish to be a voter at the Dominion election? If he desires to be entered on the roll as an elector for the Dominion election, I would make it imperative that he must record his vote. I would also give him an opportunity of saying whether he would be an elector at the local election or not. If he said yes, I would then make him understand that he has to record his vote, and if he refuses to go and record his vote, of his own free will, I would disfranchise him for seven years, so that he could not have a vote. I would give him an opportunity, however, if the condition of his health was such that he could not attend, to file a certificate from a properly licensed physician, setting forth the fact that he was in a condition of health that it was impossible, or that it would be dangerous for him to go to the poll. I would further provide that for such a certificate the doctor would be entitled to a respectable fee, so that the elector would go to the poll and record his vote. I think it would be a good thing if we passed a law of that kind, because a great many of the evils that we have are due to the fact that men hang behind. They wont go to the polls. You have to drive them, you have to carry them, and when you get them there they have to be coaxed in order to get them to record their vote. Now, if it were compulsory, so that they would have to record their vote or lose their franchise, I think it would be a step in the right direction. I do not know that it is necessary that I should refer to any more cases of wrong doing, of which our hon. friends opposite were guilty during the 18 years during which they were occupying the Treasury benches, but if it were necessary I could refer you to many. In the case of the Haldimand election, a gentleman was clearly cheated out of his seat. Mr. Coulter, who is now a judge, ran against Dr. Montague. We know perfectly well that in the investigation that took place it was clearly shown that the grossest rascality that could be practised was practised in that election. In one place it was proven that the deputy returning officer had opened the poll at half past 8 in the morning, and when the scrutineer on behalf of Mr. Coulter arrived at the place a few minutes before 9, expecting to be sworn in as scrutineer, the poll had been open half an hour and there were thirteen ballots in the box and no scrutineer for Mr. Coulter. We know that because it was proved in the investigation that that man, when his watch showed 5 o'clock in the afternoon closed the polling subdivision and drove 5 miles himself into another constituency to record his own vote, and he was there before the poll was closed. When the investigation took place, the judges pronounced him and others guilty of the grossest corruption, and one man was deprived of his franchise for some seven years. What was done with him? He could not go into Haldimand again when another election was held, because if he had done so he would have unseated Dr. Montague if he took part in the election. But the government of the day actually appointed that man to go down to Haldimand and arrange terms with the Indians upon which they could become the owners of the properties on which they lived. They gave him $10 a day and expenses, mind you, a man that had been disqualified by the courts, a man that had been pronounced as guilty of the most abominable political wickedness that any man could be charged with, and the courts deprived him of his franchise for seven years, yet the govern-

ment sent him down there to do that work when that election was going on. If you will show me a single case in which the present government has been guilty of a practice of that kind, of taking an abominably corrupt character and putting him into an important official position and paying him $10 a day and expenses, I will admit it, but I do not believe there is one single instance where it has been done. I said something with regard to our relation with the United States. A short time ago I was looking over the figures of the business that we had done in the last year with England and the business that we have done with our neighbours to the south. I find that last year we imported of dutiable goods from Great Britain $45,099,527. and I find that we imported of free goods $15,-243,177, or a little over $60,000,000 all together. Now, from the United States we imported dutiable goods, $78,797,440; of free goods we imported $73,634,186. The larger portion of the free goods is, no doubt, corn and coal. We of course under present conditions have to take a large percentage of our coal from the United States, and I presume that will continue for many years, and perhaps it is hard to tell how long. We have magnificent coal fields in Canada of which we are very proud, but unfortunately they are largely in the east or largely in the west, and in the central portion of this Dominion we are nearer to the coal fields of the United States than we are to our own, and over there they are blessed with a profuse supply of coal. They have coal mines in no less than 22 states all together. We have to take our supply of coal from there, and we cannot very well avoid it; therefore they need not thank us for it, because it is something that we have to get from them for our own convenience. Of course we cannot reduce that item, but there are many things that we can reduce. There are a great many manufactured goods which we are taking from the United States which we hope in the course of a few years we will produce ourselves, and we hope to protect those industries perhaps to a better extent than we have yet done in the articles they are now producing. I was coming from Chicago not very long ago, and in the Canadian Pacific Railway sleeping car I met a gentleman who was also travelling east from Chicago. I got into conversation with him with regard to business. He said that he was in the boot and shoe business away down east some place near Boston. He said that their annual output of boots and shoes was about a million a year. During the last year they had manufactured their ordinary output, a million; that owing to the competition they were now meeting with in Chicago and in St. Louis, which were becoming very large centres for the manufacture of boots and shoes, his own firm had been left at the end of the season with about $200,000 worth of boots and shoes on hand. They made up their minds that they must get rid of them in some way. He said that they had sent about $50,000 worth to South America. They sent $75,000 worth to Canada, and they sent an equal amount to England. They auctioned these consignments off in these different markets and thereby suffered a net loss of over 10 per cent upon the entire shipment, or a net loss of about $20,000 on the $200,000 worth of stock. But they sold over $800,000 worth at home, and on them they had a clean profit of 10 per cent, which gave them $80,-000, and after deducting the $20,000 loss they had $60,000 of a net profit on a plant and means invested of $500,000, or 12 per cent upon their capital. There was a good profit after all. I said to him, 'would it not be better for you to cut down your output to what you could sell at home rather than run the risk of having to sacrifice.' He said they were hoping for a larger maket; they had to keep their factory running; and if the men were not employed all the time, if they were turned off for a month or two, they could not be picked up again; they would stray away to other institutions, and when they were wanted they could not be got, and in order to keep the factories running they had to manufacture this large quantity and do the best they could with the output. Would it be a wise thing for us to tolerate the principal boot and shoe manufacturers of the United States sending the fag end of their output into Canada, and slaughtering it on our market, desirable as it may be to give people cheap boots and shoes? Is it desirable that we should facilitate that kind of things? I do not think it is. I think it is better that we should endeavour to have those things manufactured among

ourselves, and not permit our neighbours to send their goods here and ruin our institutions.

I was also looking over our mineral output, which we were speaking of a short time ago, and I am very glad to think it has grown to the proportions it has, and it is increasing every year; but I was sorry, as I said, to notice that of all the output of our mines only $991,874 worth went to Great Britain, and $28,704,461 went to the United States. The United States takes from us altogether about $70,426,765 worth of produce. We take from them $152,000,000 or something over that, so that out of that $70,000,000 you have to deduct $28,000,000 of minerals that are sent over there. That reduces our shipments to them in other lines to about $42,000,000, while we get from them altogether about $152,000,000. I should like to see a change. A great many people do not take much stock in the balance of trade. Well, hon. gentlemen, in my silliness perhaps, because I cannot see things as more intelligent men see them, or claim to see them, I take considerable stock in the balance of trade. I prefer to see the balance of trade in Canada's favour rather than in favour of the United States. I am prepared to copy to some extent the experience of the United States. There are some things I wish we could copy. With all their high tariff there is no country on the face of the earth that has made the enormous developments that have been made in the United States in the last fifteen or twenty years. Fifteen years ago the money in circulation in the United States was $1,554,000,000. On the first of this present month, the money in circulation in the United States was $2,886,000,000, or very nearly double the circulation of money in the United States within the last fifteen years. Within the last eight years the increased circulation of money in the United States has been over one thousand million, and inside of the last year, from November 1st, 1905 to November 1st, 1906 the increased circulation of money in the United States, was $213,000,000. Now there must be great progress in a country where the circulation of money has increased as rapidly as that. With all their protection they are progressing and prospering at a marvellous rate, and they believe in the balance of trade. They want to have the balance of trade in their own favour no matter which country they do business with, and they maintained that policy for many years. They have the balance of trade so far as Canada is concerned and so far as England is concerned. A few days ago, not two months ago, there were two steamers entered New York harbour, and those two steamers carried back to the United States $25,000,000 of United States securities that were on the English market. They are buying up all their securities that are in the foreign markets as rapidly as they can, and they are bringing them home to the United States. This shows where the wealth is. I say under that condition I I should like to have a little of the balance of trade in our favour, and I should like to see our tariff so adjusted, with the hope that we may after some time attain that condition. I know we are a young country, there is no doubt of that, and a largely increased expenditure from year to year may be looked for. If the government are true to the best interests of this country they must provide for these expansions. They would not be true as a government to the best interests of this country if they did not do so. It is right that they should provide it, and as long as the money is prudently and well spent—spent in a way that will tend to encourage the development of our industries, the better for the country and the more credit to them. We are undoubtedly on a rapid stride upward and onward. We hope it may continue. At the same time I would strongly urge that when we have such an enormous wave of prosperity as we are now enjoying, we should hold the reins tight. We should be careful, and look forward. We should keep a balance and a good sound substantial balance to the right side of the ledger. We should aim at reducing our expenses when reduction can be conveniently made. We should economise where economies can be effected. I am quite willing to accept that doctrine, and I am very anxious to impress upon the government that they should adopt that policy. On the other hand where the country's necessities have to be provided for, I must say that I commend the government for what they have expended in many lines. I think it is necessary. We must have railways. The coun-

try must be opened up. We must encourage the construction of those lines which are necessary to develop the country. All these things have to be carried on, and it is well that the government should encourage them, and I am glad to know that they are doing so. I simply rose to make a few remarks in reply to the hon. leader of the opposition. I thought he trampled a little roughly on the toes of the Reformers in his criticism of what he was disposed to call the wickedness of London. We join in regretting that anything of the kind ever took place, and we earnestly hope now, from the feeling exhibited on that side of the House, from the admissions made by the minister, the frank statement made by the hon. Secretary of State, that we have reached a condition when the heads of the wisest of our politicians in this country will be put together, and that they will pass a law that will prevent the repetition of such things, that they will not tolerate the existence of doings, which have been a disgrace to this country, which would ruin the liberties of a righteous people and bring us down to a position which would be discreditable to ourselves and unworthy of true Canadians and men that claim to inherit the best traditions of the British nation.

Hon. Mr. COFFEY—At the risk of undue reiteration, I too wish to say that it is pleasant to note that Canada's onward march on the road of prosperity still continues. We may divide on many lines. We may belong to different races and creeds and colours, but the whole people of this favoured country wear the sunny smile which betokens happiness and prosperity and a trusting faith in a future fraught with promise the like of which has seldom been the portion of any other section of the world.

The people of Canada have an abiding faith in their rich inheritance. To the world it has been proclaimed, and the echo comes in the shape of brain and brawn which will help materially to lay the foundations of this magnificent temple of freedom and happiness broad and deep and strong.

We may rejoice in the newer Canada. We may feel proud on beholding now the splendid proportions of the Canada which was in its cradle ten years ago. Rapid indeed has been its growth and strength and power and promise are its attributes. It has been the custom of some to attribute this most gratifying condition to Providence, to chance, or to conditions beyond the ken of the far-seeing and beyond the control of man.

While we may very properly have an abiding faith in Providence, and it is meet we should be so disposed, the fact still remains that a country whose affairs are wisely administered will surely forge ahead of that which is handicapped because of a disposition to let the cobwebs remain and allow the spiders to pursue their avocation undisturbed.

The newer Canada—the Canada whose course has been steered surely in the channel of prosperity by the great mind of Quebec's favoured son—Sir Wilfrid Laurier—has become to us and to the universe a revelation to be admired.

The fame of Canada should be a sacred trust in the breast of every Canadian, and it is to be deplored that at times—few, but still too many—the party pen is dipped in gall, the party tongue is bitter, and statements are made which have little or no foundation in fact, but which, spread broadcast, sully the good repute of our country.

Far be from me to condone or extenuate wrong-doing, but let there be legitimate ground for complaint and action before complaint is made and action sought to be taken.

I have in mind now the many charges hurled at the leader and some of the members who sit at the right of the Speaker in the other House.

Attempts have been made to unearth that which does not exist and to magnify matters which are but mere trifles. This strenuous straining to make political points at the sacrifice of fair play is very much to be deplored. It is a waste of valuable time, and, what is worse, tends to cast odium upon honourable men who come to Ottawa standing high in the confidence of their constituents.

Last session became a fishing season. Some good men and true—and others—spent much of their time with rod and line and tempting bait, but when the close season came they found they had caught noth-

ing. Is fault to be found with the fishers? Certainly not. They are engaged in a praiseworthy work, and the Liberal party wish them well in their enterprise. If there is wrong-doing—if men of the scheming mould, whose acquaintance with honesty is but casual, have designs on the strong-box in which is kept the money of the people—if men of the speculating pattern who by 'ways that are dark and tricks that are mean' feign would blossom out as millionaires by gambling with the inheritance of every Canadian, and become as bats in our legislative halls, let them be exposed to the bright glare of that Canadian patriotism which has the golden ring, and none will with greater alacrity proceed with the work of purifying our body politic than the members of the Liberal party, from its chief to the most humble in the rank and file.

Complaint is sometimes heard that our expenditures are too great and professions made many years ago in this connection are quoted against the government, but the fact is ignored that expenditure and expansion must necessarily march hand in hand.

Public buildings must be erected and those in existence must be enlarged to accommodate the greatly increased business of the country.

On every hand the action of the government is guided solely by those business principles which would be called into action by any enterprising manufacturer in the Dominion.

It will be remembered that some years ago it was the proud boast of the party now in opposition that many tall chimneys studded the land, and, for this evidence of prosperity, they justly claimed a meed of commendation and gratitude from the people of the country. But why deny the Liberal party the credit of quadrupling the number of chimneys great and small, from which arise that volume of smoke betokening a manufacturing life and activity of the booming, bustling variety. But it were next to impossible to hear words of praise from our political foemen. Some of them—those of the carping sort—will look at the work of the tall chimneys, and will tell you that the smoke is a nuisance. That is all.

One of the most momentous problems of the day is the settlement of differences between capital and labour; and it must be said for the government of Sir Wilfrid Laurier that it has used its best energies to the purpose of bringing about better conditions between the workers and the employers. The disturbing elements are not now as numerous as they were some years ago, and let us hope that in the near future some system will be devised to settle at once and for ever all differences which may arise. Capital and labour are found to be not so far apart when the best minds on both sides approach one another with a sincere desire to make a treaty of peace.

Most praiseworthy action of the government is to be found in the earnest effort to protect our people from com[illegible] are oftentimes unreliable and frequently controlled by masters of finance who worship only at the shrine of the bag of gold. The sooner we rid the country of these men the better. Perhaps the most pitiable sight imaginable is to see the humble wage-earner swindled by these well groomed criminals, who, when want pinches the wi[illegible] and the orphan because of the remova[illegible] the husband and father by the hand of death, tells them that he will not carry out his obligations.

I feel hon. gentlemen, that I should make some references to a matter which has been very much discussed the past month—the election trial in Toronto. I think my honourable and honoured colleague from London—that venerable statesman who has given half a century to the service of his country and who wears unsullied the badge of honour bestowed upon him by his sovereign—will agree with me that London's fair fame has suffered in too great a degree because of a lack of intimate knowledge of all the facts connected with recent elections therein.

Let the constituency which is without election sins cast the first stone at London. It is patent to all that unlawful methods have for long, in a greater or less degree, been the rule, in too many sections of the country, when the tocsin of political warfare has been sounded.

It is to be regretted that the speech of the honourable the leader of the opposition was tinged with a party colour. His charges, however, against the Liberal party were of such a general character that it were difficult to know where to strike back. It

would be unfortunate as well as unseemly were any considerable number of the honourable members of this House to resurrect and expose to view the work of over-zealous political workers in each constituency during the years that have gone by, but in justice to the Liberal party in London I feel bound to declare that he who holds that party responsible for the wrong doing so much ventilated and discussed in press and on platform during the past few months is one who is not cognizant of all the facts, and whose decision has been arrived at by examination only of the surface of the subject. In the province of Ontario, from 1867 to 1896 the active managers of the party now in opposition brought into requisition methods of political warfare which have to this day left a stain on public life. The hon. gentleman from Calgary saw fit to hold up for admiration and adulation the present government of Ontario. On this point I desire to meet him fairly and squarely. If I mistake not he wished to convey the impression that the machinery of justice up to a few years ago—during the long period of Liberal administration in that province—was tainted with partyism. The hon. gentleman has forgotten that during all those years the judges were men appointed from the ranks of the Conservative party—as a body most honourable men, but a few never shed their political mantle. Surely this fact was a powerful lever to safeguard the right of the Conservatives in the event of their being placed in jeopardy The party in power in Toronto at this day would not, I am sure, draw such high eulogium from the hon. member from Calgary had he had an opportunity of following the proceedings in the election trials recently held in Toronto's police court.

The police magistrate professed a desire to open the whole case as affecting both political parties. The counsel for the defence also wished to have this done, and requested that witnesses for the defence as well as those for the prosecution should have their expenses paid from London to Toronto. He challenged the Crown attorney to have this done in order that the wrong doing on both sides should be exposed to view. The Crown attorney would not consent without consulting the attorney general, but up to the present moment no decision in this point has been announced. Perhaps it is a fortunate circumstance that the glare of public opinion has been turned upon the city which I have the honour to represent in this House. The crime laid at its doors belongs to a small percentage of its electors—men whose political action enters the mart of trade or barter—men devoid of the nobility of citizenship—men who postpone thought of the execrable course they have mapped out for themselves—men whose greed for gain has obliterated those finer instincts which make for the glory and the honour and the welfare of the commonwealth. Am I too severe. I wish it could so be claimed. He who casts to the winds his electoral franchise—that badge of Canadian manhood which is our pride and our glory—deserves to be branded with the contempt of his fellow countrymen who value rectitude and whose words of patriotism come not from the teeth outwards.

I have faith in the people of London. Half a century of my life has been spent amongst them, and I hesitate not to declare that the vast majority of them are men sensitive of their reputations, whose love of country cannot be measured as a marketable commodity. The disgrace belongs but to a few, and to the few only let the stigma of electoral gambling be attached.

It may come to pass—and I sincerely trust it will—that London in the limelight will serve to impress upon our law makers the importance—nay, even the pressing necessity—of guarding with increased vigilance that receptacle in which has been registered the convictions of Canadian freemen as to how their country shall be governed.

The punishment for offenses in this regard should be swift and sure, and in accordance with the enormity of the offence, and enormous the offence truly is, for tampering with the ballot box will sooner or later lead to political chaos, which will have a most deleterious influence on almost every feature of our social, political and commercial life.

In this connection, honourable gentlemen, I desire to register my conviction, that the hon. the Minister of Public Works was in no way—even the most remote—a party to

the scandalous irregularities of the last London election. In all that has transpired at the Toronto trial his name suffered not a blemish—and it has not been proved and cannot be proved—at least such is my belief—that the Hon. Charles S. Hyman represents but a minority of the voters of London. Even if the purchased votes were taken away from both candidates a considerable majority would still be registered for the sitting minister.

He has deemed it proper, however, to signify his determination to resign the seat; but those who know him well are not surprised thereat, for Mr. Hyman is not the man to retain a place at the Council Board of his country when there is even the faintest suspicion that he is not the choice of the majority of the unpurchasable voters of his native city. I trust he will again be the candidate, and that by a triumphant majority he will be sent back to Ottawa to continue his services as Minister of Public works, for it is of importance that we should retain in such a place a man of such splendid business capacity and one who has given us an administration, the honesty of which has never been called in question.

The motion was agreed to.

The Senate adjourned until 3 p.m. tomorrow.

## THE SENATE.

OTTAWA, Wednesday, November 28th, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### THE COMMITTEE ON SELECTION.

MOTION.

Hon. Mr. SCOTT moved :

That pursuant to rule 77, the following senators : the Hon. Sir Mackenzie Bowell, K.C.M.G., the Hon. Messrs. Gibson, Lougheed, Béique, Miller, Power, Watson, Casgrain (de Lanaudière) and Ferguson, be appointed a committee of selection to nominate senators to serve on the several standing committees during the present session, and to report with all convenient speed the names of the senators so nominated.

Hon. Mr. DAVIS—Before this motion is carried, I should like for my own information to ask the mover of the resolution a few questions. The appointment of the Striking Committee of this House is a very important one, because they practically have the power of appointing all the committees of the Senate, and as those committees are very important to all parts of the country, we should see that the Striking Committee at least represents the whole of the people of this Dominion. To my mind a very important part of the business of this House is transacted by them. I should like to see that portion of the country from which I come properly represented on this Striking Committee. I have no objection at all to any of the names which appear in this motion, but it is a mistake to make the committee so small. I understand by the rules that the committee is restricted to nine members. Of course the larger provinces, Ontario and Quebec claim to be entitled to more representation on the committees than the other provinces, so I suppose it would be very difficult to apportion them to all the different provinces. But I find there are three representatives from Nova Scotia, two from Quebec, two from Ontario, one from Manitoba, none from Saskatchewan and none from British Columbia. If there are three representatives from the maritime provinces, I think we in the west should be entitled to three, inasmuch as we have four provinces against their three provinces. I contend that we are entitled to consideration in this matter. There are some committees which we in the west consider important, particularly the Railway Committee. We have new members lately come from the west, and I understand from the procedure which will no doubt be adopted by this Striking Committee, that a lot of those gentlemen will not be placed on the Railway Committee. I want to say for the benefit of the Striking Committee that I think these hon. members from the west should be placed on the Railway Committee for the reason that two-thirds of the present railway construction of the Dominion is being carried on in the western part of Canada. It is the greater Canada. I think our representatives should be on that committee, notwithstanding any old regulation or antiquated ideas hon. gentlemen may have to the contrary. The west is the greater Canada, and things are developing there all the time, and we are

getting new ideas, and I hope we will be represented on the Railway Committee. As far as the Divorce Committee is concerned, nobody bothers his head very much about it.

Hon. Mr. CLORAN—We will give that committee to Ontario.

Hon. Mr. DAVIS—Yes.

Hon. Mr. GIBSON—If my hon. friend will take the trouble to look at the proportion in the House of Commons, with nearly three times the membership of this House, he will find that the Striking Committee consists of five members in that chamber, as against nine members in this Chamber.

Hon. Mr. LANDRY—I do not think the reason given by my hon. friend is a very good one. This committee must consist of nine members because the principle is determined by our rules, and we are only complying with our rules when we appoint that number. If the rules of the House of Commons fix the number at five they cannot have more than five, and we cannot have more than nine. I think my hon. friend has made a point in saying that all the provinces which have become part of this Dominion should have one representative on that committee. I do not see why we should refuse that. They are all interested in the formation of the different committees, and I thnk it would be a good idea if we should adopt that principle and have one for each province. There are nine provinces, and that would give us a representative for each province.

Hon. Mr. SCOTT—There has never been heretofore a rule of that kind. The committee we are now appointing is a matter for the House to decide. It strikes me as a reasonably fair committee. The invariable practice in the past has been to put those who have had seats in this Chamber for the longest period on the Striking Committee. They are supposed to have a better knowledge of how the members should be distributed on the different committees than senators more recently apppointed.

Hon. Mr. LANDRY—I suppose that is the reason the hon. member is not on the committee himself.

Hon. Mr. SCOTT—There were too many who were anxious to get on the committee. I endeavoured to make a fair distribution and I think I have succeeded. It can hardly be contended that the smaller provinces are entitled to the same representation on the committee as the larger provinces. For instance, Prince Edward Island, with four senators, could hardly expect the same representation as Ontario or Quebec, each of which has twenty-four senators. I have conformed to the practice that has been followed in this Chamber, and I think the selection on the present occasion is based upon past usage. Of course it is for the House to change it if the majority see fit to do so.

Hon. Mr. BERNIER—I notice there are no members of the government on the committee. It has been found a source of inconvenience often when no members of the government have been put on some of the committees. There should be a member of the government on this committee, at all events.

Hon. Mr. CLORAN—On behalf of a certain element in this House I wish to say I cannot concur altogether in the remarks of the hon. Secretary of State that this course should be pursued because it is in accordance with past usage. If I understand the policy of the Liberal party, the aim is to have the usages of this Senate changed, if not physically, at least politically and legislatively. There are many younger members of this Senate who are not known to the older members, and whose usefulness has not yet been tested. The older members have never known us. They simply tell us, when we rise to speak in this House that we have no right to do so, that we are only in leading strings here. The situation has changed completely. We are the younger element, the advancing, progressive element, and I quite concur with the hon. senator from Prince Albert (Hon. Mr. Davis) that it is time to change the usages of the past if they can be improved. I quite agree with him that a change should be made in this instance. The vast interests of this country have been displaced. There was a time when the hon. leader of the government and the hon. ex-leader of the opposition had all their ambition and all their hearts centred in Quebec and Ontario; but of late years that situation has changed. The heart and sympathy of Canada to-day are in the west and when the hon. senator from Prince Albert appeals

for representation on the committee, I agree with him, though I come from the east, because I am with the younger and more progressive element. I ask that fair-play be accorded to the younger members here. We have, for instance, a young member in the person of Senator McKay, from Montreal. He should be on the committee. The province of Quebec, owing to its large English population, should be represented on that committee. I have not asked the hon. gentleman if he would like to be appointed, but I think he is a fit and proper person to be on the committee. Even if the committee has been named in conformity with usage there is no reason why it should not be changed to-day. Canada has progressed and we must advance with it.

Hon. Mr. ROBERTSON—I should like very much if the leaders on both sides would move their desks a little further towards the middle of the chamber, so that those of us who are seated some distance from them, may have an opportunity to hear what is going on.

The motion was agreed to.

Hon. Mr. CLORAN—Do I understand that the hon. Speaker has declared the motion agreed to ?

The SPEAKER—Yes.

Hon. Mr. CLORAN—Then the remarks of the hon. senator from Prince Edward Island are quite appropriate. I did not hear the announcement made.

Hon. GENTLEMEN—Order, order.

## THE CANADA-MEXICO STEAMSHIP LINE.

### INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Call attention to the provisions of the articles of agreements entered into between the Minister of Trade and Commerce of the Dominion on behalf of His Majesty, and the Messrs. Elder-Dempsey & Company, of Liverpool, England, for the establishment of a line of steamers between Canada, Cuba and Mexico, and will inquire of the government why in the third clause of said articles of agreement provision is made prohibiting the Canadian subsidized steamers from taking cargo at Cuban ports for Canada?

He said : In calling the attention of the Senate to the contract entered into between the government and the Elder-Dempster Company, I wish to assure the Senate that it is not done from any spirit of opposition or fault-finding on account of the policy which the government has adopted in establishing a line between Canada, Cuba and Mexico. On the contrary, I am fully in accord with that policy, it being a continuation of the policy of the late government, but there is a provision in the contract which I should like to have explained. It will be found at the end of the third clause of the contract. The contract provides for the establishment of a line of steamers between Canada, Cuba and Mexico, starting during the season of open navigation from Montreal and calling at Charlottetown and Halifax and other intermediate ports until it reaches some Cuban port. Then it provides in addition to that that the government and department shall have power to extend the provisions of their contract so as to have the steamers, after leaving Cuba, proceed to Mexico. In case the contract is confined to the first portion to which I alluded, they are to pay a certain sum, I think $50,000 a year. Should the extension be agreed to, then it is to be $100,000. I will read the third clause and ask the government why vessels are prevented from taking on cargo at a Cuban port on the trip from Mexico to Canada. The third clause is as follows:

3. It is understood and agreed that at the option of the minister, the service, herein contracted for may be extended to the republic of Mexico, calling on all south bound voyages at the ports of Progresso, Coatzacoalcas, Vera Cruz and Tampico, with the option on the part of the contractors of calling at any of the said Mexican ports on the north bound voyages; and in case the service is so extended to Mexico the steamers may carry and land in Cuba on south bound voyages, cargo and passengers, and may take on board at Cuban ports both cargo and passengers for Mexico, and on all north bound voyages from Mexico may take on board cargo and passengers for any Cuban port, but shall not take cargo at Cuban ports for Canada.

The last part of the clause is what I desire to have explained by the government. I can understand very well a provision of that kind being insisted upon by Mexico, provided there was any space reserved for a cargo at a Cuban port which could be filled in Mexico. The object of the contract is to cultivate trade between Canada and Mexico and West Indian ports, but why a vessel which has the right to

take passengers and cargo to a Cuban port should be prevented from taking on the products of Cuba for Canada I am unable to understand, and should like to have explained.

Hon. Sir RICHARD CARTWRIGHT—This is a contract in which the Mexican government are interested jointly with ourselves. The Mexican government are to supply half of the subsidy and we are to supply the other half. So far as the government of Canada is concerned my hon. friend is perfectly right in supposing that we would have preferred to allow cargo to be taken both ways—to and from Cuba. But the Mexican government insisted, for reasons of their own, dreading competition, I suppose, from Cuba, that on the northward trip no cargo should be taken from Cuba as a condition on which their granting a subsidy of equal amount to our own would depend. The hon. gentleman will understand that we ourselves would be loath—and I presume he would be loath as well as myself—to susidize a line of steamers from Canada to Mexico which would have freedom to call at United States ports en route. That would be practically, to a considerable extent, subsidizing United States trade at our own expense, and the United States government, for similar considerations, although they yielded the point that we might call at Cuba on going to Mexico, declined to be a party to any contract unless we agreed that on the northward trip they should go from Mexico to some English or Canadian port, as the case might be. That is the reason why this clause was inserted.

Hon. Sir MACKENZIE BOWELL—As I understand the contract, it does not make that provision. It permits the taking of a cargo and passengers at a Mexican port to Cuba, but it prevents the taking of a cargo at Cuba for Canada on its northern trip.

Hon. SIR RICHARD CARTWRIGHT—Well, that was a provision insisted upon by the Mexican government. They declined to allow us to take up cargo at Cuba on the ground, I think, that they considered that Cuba was a competitor with them for the same class of trade that they designed to send to us. I think myself that they might as well have conceded the point, but as they were joint subsidizers with ourselves—they pay $50,000 and we pay $50,000—I was not in a position to contest that point too far.

## EXPORT OF ALUMINUM.

MOTION.

Hon. Mr. DOMVILLE moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause a return to be laid before the Senate of aluminum exported for the years 1903, 1904, 1905 and to date, 1906, with values.

The motion was agreed to.

## IMPORTS OF OXIDE OF ALUMINUM.

MOTION.

Hon. Mr. DOMVILLE moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause a return to be laid before the Senate of imports of oxide of aluminum for the years 1903, 1904, 1905, and to date, 1906, with values.

The motion was agreed to.

## NATURALIZATION ACT, AMENDMENT BILL.

FIRST READING.

Bill (A) An Act to amend the Naturalization Act was introduced and read the first time.

Hon. Mr. SCOTT—It has been found desirable to pass an amendment to the law relating to naturalization. There are persons coming to the Northwest who have already been naturalized in other parts of the empire. It becomes necessary under the law that they shall be naturalized in Canada and the object of this amendment is to dispense with the three years residence, provided they have already had a residence of that number of years in other parts of the empire.

Hon. Mr. LOUGHEED—Is my hon. friend at liberty to say what parts of the empire the parties referred to come from?

Hon. Mr. SCOTT—No, I am not. The only thing I say about it is that in other parts of the empire they have passed a similar law, and it has been found desirable that we should also make such a provision. They have a similar law in New Zealand where the parties had been part of

the time I presume in Australia and part of the time in Canada and desired to be naturalized in New Zealand.

The Bill was read the first time.

## REVISED STATUTES OF 1906 BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (B) An Act respecting the Revised Statutes of 1906 and to provide for the French version thereof. He said: When the Act of 1903, under which the commission for revising the statutes was organized was passed, there were one or two defects, one particularly, that no provision was made for the French version, and it was provided that the Act should come into operation on a proclamation. Now it is desired to amend it in the direction at all events of the French version, and the Act of 1903 is repealed in all important particulars with some slight changes, which can be shown when the Bill goes into committee. It is proposed to bring the law into operation on the 1st January, and therefore the Royal Assent will have to be given to any Bill passed by the two Houses before that date.

The Bill was read the first time.

## CRIMINAL CODE AMENDMENT BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (C) An Act to amend the Criminal Code, 1892. He said: The society of which hon. gentlemen have probably heard, and of which some of you may know, the Children's Aid Society, the object of which is to preserve children who are growing up and likely to become criminals, to take such care of them, by surrounding them with certain environments and conditions, as will lead to better results, desire one or two changes in the law relating to the society, and also in that direction they desire to make corresponding changes in the Criminal Code. It is rather widening the powers, unless a judge or court may otherwise order, of giving control of delinquent boys, up to the age of sixteen, and girls up to the age of seventeen, to this society.

Hon. Mr. KERR (Toronto)—I am very glad indeed to see the government moving in this matter. I do not think there is a subject in this country upon which the people are more interested than this very question. The whole subject of dealing with criminals and crime is a very large one, and of late years there has been so much progress made in other parts of the world in the way of improving those who might drift into the criminal classes on account of not being taken care of, by a policy of prevention rather than one of cure, by a policy of education rather than by leaving to chance children who are exposed to risk from environment and are apt to fall, that the greatest good can be done to the community by providing for their care. In some countries a great deal has been done in the way of dealing with convicted criminals of the younger class by providing industrial and various homes of one kind and another to which children who have been convicted of crime may be sent. But this project which has been outlined by the hon. Secretary of State is a larger one than that, and seems to me to be calculated to do a great deal more good than can be done even by the industrial school or reformatory or institutions of that kind. It is not a new subject. It has already been adopted in many countries and in some of the states of the union with very great advantage. In other words it is giving an opportunity to the child whose surroundings are not good, whose environments will probably tend to a life of evil, by improving the environment and training up the child for a useful life instead of exposing it to the risk of becoming a criminal.

The Bill was read the first time.

## CANADIAN COMMERCIAL TREATIES ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (D) An Act to amend the Act respecting the commerical treaties affecting Canada. He said: After the Act was passed confirming the treaty with France, the same year, 1893, an Act was passed giving authority for commerical treaties. The idea was that foreign countries that had treaties with the mother country in which Canada was included, giving what is called the favoured nations power, should be entitled to the privileges set forth in the French treaty.

The words used were limited to that time. It read 'is' instead of 'hereafter,' and the object of this Bill is simply to add after the word 'is' the words 'or may hereafter be.' Attention was called to it first by the Customs Department and then by the Justice Department, that in the case of Japan we were not able to give them the advantages that we proposed under that treaty because it had reference to the existing treaty which was not included, of course, and this amendment to that Act simply adds the words 'may thereafter be agreed upon,' &c.

Hon. Mr. LOUGHEED—Has this reference to the French treaty or the Japan treaty?

Hon. Mr. SCOTT—There are treaties with countries in which what are called favoured nation clauses are introduced. These nations become entitled—should become entitled—to the advantages secured to France or any other country, since the time that they originally became entitled to it. Any country which has a treaty with Great Britain in which Canada is included, which makes provision for giving this country the favoured nation treatment should be entitled to the advantages which we gave to France, whereas under the existing commercial treaty it referred to that year only, and did not refer to the future at all. It is just amending it in that direction.

Hon. Mr. LOUGHEED—Has the language which this is designed to correct precluded the favoured nation treatment from being accorded to these countries since the passing of the treaty?

Hon. Mr. SCOTT—Yes, strictly speaking.

Hon. Mr. LOUGHEED—What has been the custom of the government in that regard?

Hon. Mr. SCOTT—Take Japan; the rights which Japan would be supposed to enjoy if the commercial treaty drawn in 1893 had been specific as was intended, were not intended to apply to countries that had come in in the past, but it was intended to apply to countries that might come in in the future, and the Customs Department have been giving the advantages under that treaty to Japan without really the authority of law.

Hon. Sir MACKENZIE BOWELL—Then the object of the change is to extend the provisions of the French treaty of Canada to Japan?

Hon. Mr. SCOTT—Yes, that would be one thing. It makes no reference to Japan, but that is the object of it. Any country coming in afterwards would be entitled to the advantages of the French treaty if the treaty with England contained what is called the favoured nations clause.

The Bill was read the first time.

## CANADIAN AND JAPANESE TREATY BILL.

### FIRST READING.

Hon. Mr. SCOTT introduced Bill (E) An Act respecting a certain treaty between Canada and Japan. He said: On an opinion from the Department of Justice it was thought that the treaty with Japan deals with a number of articles that are set forth in our tariff, and therefore it was thought proper that the treaty made with Japan should be confirmed by parliament. In the treaty made with France, provision was made that it should be confirmed by parliament and the Bill was introduced in 1893 for that purpose. The object of the Bill, as I am now presenting it to the House, is to confirm the treaty with France by Act of parliament. It would have the advantage that it would be published in our statute-book. At present it is simply in booklet form, and not in convenient shape, and it is desirable that information should go broadcast, and the best possible way to secure that is by incorporating it in the volumes of our law. This Bill makes provision for confirming the treaty, and inserting the treaty word for word in schedule A.

The Bill was read the first time.

The Senate adjourned until 3 p.m., tomorrow.

## THE SENATE.

OTTAWA, Thursday, November 29, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### COMMITTEE OF SELECTION.

REPORT PRESENTED.

Hon. Mr. GIBSON, from the Committee on Selection, presented the following report:

The Senate,
Committee Room No. 8,
Thursday, November 29th, 1906.

The Committee of Selection, appointed to nominate the senators to serve on the several Standing Committees for the present session, have the honour to report herewith the following list of senators selected by them to serve on each of the said Standing Committees, namely:—

The Joint Committee on the Library of Parliament:—

The Honourable the Speaker and the Honourable Messieurs: Baker, Bernier, Boucherville, de, C.M.G., Cartwright, Sir Richard, G. C.M.G., Davis, Douglas, Drummond, Sir George, K.C.M.G., Godbout, Cowan, Sir James Robert, K.C.M.G., Jaffray, Legris, McHugh, Miller, Poirier, Power, Wilson.—17.

The Joint Committee on the Printing of Parliament:—

The Honourable Messieurs: Bernier, Carling, Sir John, K.C.M.G., Choquette, Cloran, Coffey, DeVeber, Dobson, Domville, Ellis, Fiset, Frost, Legris, Macdonald (P.E.I.) Mackay (Alma), MacKeen, Merner, Riley, Ross (Halifax), Roy, Shehyn, Talbot.—21.

The Committee on Standing Orders:—

The Honourable Messieurs: Carling, Sir John, K.C.M.G., Choquette, Macdonald (P.E.I.), Macdonald (Victoria), McGregor, McKay (Truro), Tessier, Yeo, Young.—9.

The Committee on Banking and Commerce:—

The Honourable Messieurs: Bowell, Sir Mackenzie, K.C.M.G., Cartwright, Sir Richard, G. C.M.G., Casgrain (Windsor), Cox, Drummond, Sir George, K.C.M.G., Edwards, Ferguson, Forget, Gibson, Hingston, Sir William, Kt., Jaffray, Jones, Kerr, Lougheed, Macdonald (P. E.I.), Mackay (Alma), MacKeen, McDonald (Cape Breton), McGregor, McMillan, McMullen, McSweeney, Mitchell, Perley, Ross (Moosejaw), Scott, Sullivan, Thibaudeau (Rigaud), Thibaudeau (de la Vallière), Thompson, Wood, Yeo.—32.

The Committee on Railways, Telegraphs and Harbours:—

The Honourable Messieurs: Baird, Baker, Béique, Bolduc, Bostock, Bowell, Sir Mackenzie, K.C.M.G., Carling, Sir John, K.C.M.G., Casgrain (de Lanaudière), Choquette, Cox, David, Davis, DeVeber, Domville, Drummond, Sir George, K.C.M.G., Edwards, Ellis, Ferguson, Fiset, Forget, Frost, Gibson, Godbout, Jones, Kerr, King, Kirchhoffer, Landry, Lougheed, Lovitt, Macdonald (Victoria), Mackay (Alma), McDonald (Cape Breton), McHugh, McLay (Truro), McLaren, McMillan, McMullen, Mitchell, Ownes, Poirier, Power, Ross, (Moosejaw), Scott, Shehyn, Sullivan, Tessier, Thompson, Watson, Young.—50.

The Committee on Miscellaneous Private Bills:—

The Honourable Messieurs: Baird, Béique, Bostock, Boucherville, de, C.M.G., Casgrain (Windsor), Cloran, David, Domville, Douglas, Edwards, Godbout, Hingston, Sir William, Kt., Kerr, Landry, Legris, McGregor, McHugh, McSweeney, Merner, Montplaisir, Ross (Halifax), Shehyn, Talbot, Thibaudeau (Rigaud), Thibaudeau (de la Vallière).—25.

The Committee on Internal Economy and Contingent Accounts:—

The Honourable Messieurs: Bernier, Bolduc, Casgrain (de Lanaudière), Fiset, Frost, Gibson, Jones, King, Landry, Lovitt, McDonald (Cape Breton), McLaren, Miller, Montplaisir, Ownes, Perley, Power, Riley, Robertson, Ross (Moosejaw), Thompson, Watson, Wilson, Wood, Yeo.—25.

The Committee on Debates and Reporting:—

The Honourable Messieurs: Béique, Coffey, Ellis, Ferguson, Mitchell, Poirier, Robertson, Roy, Talbot.—9.

The Committee on Divorce:—

The Honourable Messieurs: Baker, Bostock, Cox Kirchhoffer, Lougheed, McMullen, Wilson, Wood, Young—9.

The Committee on the Restaurant:—

The Honourable the Speaker, and the Honourable Messieurs: Bolduc, McKay (Truro), McMillan, McSweeney, Robertson, Tessier.—7.

All which is respectfully submitted.

WM. GIBSON,
Chairman.

He said: If there is no objection, I will move that the report be read and adopted.

Hon. Mr. LANDRY—I do not see why it should be adopted to-day.

Hon. Mr. POWER—Rule 24 must be suspended.

Hon. Mr. LANDRY—There is no notice of motion to suspend the rule. I think that that report should be printed in the journals so that we can take cognizance of it. I have no objection to the report at all, but I think that the names should be made public so that we shall know what we are doing. If there were any reason for adopting the report immediately I would not object. The statement has been made that they wanted to organize the Divorce Committee at once in order to take the evidence of some persons who are leaving for Eng-

land. If that be the case, I should not object at all.

Hon. Mr. GIBSON—I move the suspension of rule 24.

Hon. Mr. DAVIS—I object to it.

The SPEAKER—Is there any objection to the suspension of the rule?

Hon. Mr. DAVIS—Yes.

Hon. Mr. GIBSON—Then I move that the report be taken into consideration to-morrow.

The motion was agreed to.

## THE RULES OF THE SENATE.

Hon. Mr. LANDRY—I should like to know when we will be put in possession of the French edition of the rules of the Senate. That edition was prepared before we left Ottawa last summer and was accepted by this House.

Hon. Mr. YOUNG—Does the hon. gentleman refer to the report of the special committee appointed to revise the translation?

Hon. Mr. LANDRY—Yes. They reported and their report was accepted on the last day of the session. I take this opportunity to ask if we could not also have a copy of the rules of the House of Commons for each member of the Senate. Their rules have been changed and the old rules with which we are now supplied are no longer of any use.

Hon. Mr. SCOTT—The request is a reasonable one, and attention having been called to it I will see that it is complied with. I am advised that the rules are not ready for distribution, but I will see that they are. The Senate rules, I understand, have been in print for some time; I do not know why they have not been bound and distributed. Very often at the Printing Bureau they wait until some one gives a direct order, what they call 'approving of the translation.' I shall make inquiry about it and see that it is done.

Hon. Mr. De BOUCHERVILLE—I would suggest that copies of the rules of the Senate be distributed to members of the House of Commons.

The Senate adjourned until to-morrow at 3 p.m.

# THE SENATE.

OTTAWA, Friday, November 30, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## HARBOUR COMMISSION OF MONTREAL.

### INQUIRY.

The Order of the Day being called :

By the Hon. Mr. CHOQUETTE :

That he will inquire of the government—

1. Has the government taken cognizance of the following article published in 'La Patrie,' of Montreal, the date of 6th October last :—

Montreal Harbour Commission.

The 'Herald' yesterday published the following despatch :—

Ottawa, 5.—Honourable J. I. Tarte has been mentioned as the probable chairman of the new commission for the administration of Montreal harbour. It is understood on the best of authority that Mr. Tarte will not be named for this position. The man who is to fill the place has not been chosen, but it is not to be Mr. Tarte.

Mr. Tarte has already, some days ago, informed the members of the cabinet with whom he was in communication, that he could not accept the chairmanship of the new Harbour Commission that had been offered to him.

2. Is it true that the government or any minister thereof offered the Honourable J. I. Tarte the chairmanship of the new Harbour Commission of Montreal ?

3. Is it true that Mr. Tarte informed the government or the member of the cabinet with whom he was in communication that he could not accept that position ?

4. Who are the members of the cabinet with whom the said Mr. Tarte was thus in communication regarding the chairmanship of the new Harbour Commission of Montreal ?

Hon. Mr. LEGRIS—In the absence of the hon. gentleman who has placed this notice on the order paper, I beg to make the inquiry.

Hon. Mr. SCOTT—The Minister of Marine and Fisheries before submitting names for consideration in the appointment of a board of harbour commissioners of Montreal, naturally consulted leading citizens of Montreal, Mr. Tarte among the number. In the conversation Mr. Tarte intimated that he did not propose to accept the position. That is the only answer I can give to the hon. gentleman's question. When spoken to on the subject, Mr. Tarte said he was not a candidate and would not accept the position.

Hon. Mr. LOUGHEED—Would my hon. friend be kind enough to repeat the answer he has just given? Do I understand the declination of Mr. Tarte was made to the the government?

Hon. Mr. SCOTT—No. I stated that the Minister of Marine and Fisheries naturally consulted a number of leading gentlemen in Montreal as to the most judicious selection for the Board of Harbour Commissioners. Mr. Tarte was among the number consulted, and in the course of the conversation Mr. Tarte intimated to the Minister of Marine and Fisheries that as far as he was concerned he would not accept the position.

## NATURALIZATION ACT AMENDMENT BILL.

### SECOND READING POSTPONED.

The Order of the Day being called:

Second reading (Bill A) An Act to amend the Naturalization Act.

Hon. Mr. SCOTT—As this Bill has not been printed and distributed among the members, I move that the Order of the Day be discharged and that it be placed on the Orders of the Day for Tuesday next.

Hon. Mr. LOUGHEED—Before this matter comes up for second reading, would my hon. friend be good enough to say what are the conditions which have given rise to this proposed legislation, so as to permit members to inform themselves in the matter? Those conditions are not apparent on the face of the Bill and it is very desirable that we should know what they are.

Hon. Mr. SCOTT—The suggestion comes from local men in Saskatchewan and Alberta, and I shall endeavour to get any information I can. I have none at present other than the intimation that it was felt that this was rather important inasmuch as there were persons there who were willing to become British subjects, but who could not do so until they had remained three years in the Northwest. A similar law has been passed in New Zealand, allowing parties to avail themselves of their residence in another British colony when applying for naturalization. The Bill is to permit the time spent in one British colony to be counted when applying for naturalization in another British colony.

Hon. Mr. LOUGHEED—I should like to know at the second reading whether there has been any judicial authority upon the present Act being insufficient to meet the conditions provided; also whether the matter has been submitted to the Department of Justice. It seems to me a very great deal of legislation is being passed by the government with reference to the naturalization of aliens which is extremely undesirable, in my judgment at any rate.

Hon. Mr. SCOTT—This was sent to me by the Department of Justice. I think I have the report here.

The motion was agred to.

## REVISED STATUTES OF 1906 BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (B) An Act rspecting the Revised Statutes 1906 and to provide for the French version thereof. He said: This Act has been distributed. I think hon. gentlemen have it on their desks. As I explained on the introduction of the Bill a large part of it is a reprint of the Act passed in 1903. There was a clause omitted, and that was in reference to the French version. The Department of Justice thought the French version must be referred to, and that the laws as printed in French by the King's Printer and translated by the proper authority should be confirmed. I presume one of the reasons for calling attention to that was the fact that discrepancies had been discovered between the French and English versions of the statutes of 1886. A case was brought to the notice of the Department of Justice recently in which the penalty for the commission of a certain offence was not the same in the two versions. It so happened that in the province of Quebec the French judge, being more familiar with French than English, preferred to take the French edition, and the result was that the man got off with considerable less penalty than would have been inflicted if the English version had been used. For that reason it is desirable that there should be a careful translation by the proper authority.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. Secretary of State why he passed over the first Bill on the order paper, An Act to amend the Naturalization Act, on the ground that it was not circulated and then proceeded with the second Order of the Day with reference to the revised statutes, which stands in precisely the same position?

Hon. Mr. SCOTT—I stated that the first Bill on the order paper was not circulated, but the second was.

Hon. Sir MACKENZIE BOWELL—But they are both on our files. I was in error when I stated that they had not been laid before the House. I find when looking at my file, that I had them, but the objection that I took in the first place is equally strong. Surely the hon. gentleman must know that no member of this Senate can by any possibility pick up a Bill with thirteen or fourteen clauses, and master it in a few minutes after he comes into the Chamber. The object of placing it on the notice paper is that every senator may have an opportunity of securing a copy of the Bill on which he is expected to express an opinion but in this case these three Bills are laid upon the desk at the opening of a sitting of the Senate when there is no possibility of knowing what the contents of them are, except as you go through each clause. I find, after my attention has been called to the fact, that the whole three Bills on my file were under my desk. I did not know they were there. I do not object to proceeding with these Bills; they are of a character that I do not suppose is open to particular objection. We have been tinkering with the Naturalization Act almost every session, wherever an individual case arises, particularly in the new Territories. In reference to the Bill the second reading of which the hon. gentleman has moved, the explanation is not satisfactory as to why an Act should be passed giving special authority for the translation of the statutes into French. I can understand that a blunder may have occurred such as he has indicated, but that I take it has nothing to do with the right of parliament to have translation made of all documents which become records of parliament. The 133 clause of the British North America Act provides:

> Either the English or French language may be used by any person in the debate of the Houses of parliament of Canada, and of the House of the legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under this Act, and in or from all or any of the courts of Quebec.

Now, certainly, the consolidated statutes become a record of parliament the moment the consolidation has been ratified by parliament. Hence the power vested in parliament to have them translated and printed to my mind is amply clear. I call attention to it because I really cannot see the necessity of a clause of that kind. Perhaps it is because I did not hear distinctly the explanation the hon. gentleman made. I should like to call his attention also to this fact; we are asked to pass an Act ratifying a consolidation of the statutes which we have never seen. If the hon. gentleman will refer to the journals of the House for 1885, he will find that Sir Alexander Campbell, before asking the Senate to legislate upon this question, laid the consolidated statutes on the table in order that they might be examined by any member of the Senate who desired to look at them. In this case we have not even the report laid upon the table. A Bill is introduced to confirm that of which we have not the slightest knowledge.

Hon. Mr. SCOTT—The explanation I gave was this: the Revised Statutes of 1886, before the appointment of a commission of parliament, did not authorize the Governor in Council to proclaim the statutes when they left the hands of the commission. I read from the Act of 1903 when I was on my feet before, which declares specifically that the Governor in Council may issue a proclamation whenever the roll is signed, bringing the revised statutes into effect. Now the difference between the French edition of the revised statues and the ordinary laws is this: there is no authority of parliament whatever for the French version, and the Department of Justice considered, after looking into the subject, that it was only right and proper in bringing them into force that it should declare that a similar roll in the French language should be deposited with the clerk of parliament,

which is to be the official basis from which the copies will be printed, and it is for that reason it was deemed advisable. Nine-tenths of this Bill are in the words of the Act of 1903, but it was thought better to revise them as one or two new clauses were being introduced.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman repeals that Act by this Bill.

Hon. Mr. SCOTT—But this does not come into force until the revised statutes come into force in January, 1907.

Hon. Sir MACKENZIE BOWELL—Will the report from that commission be laid on the table?

Hon. Mr. SCOTT—It is here now. There are two copies in the House now for any hon. gentleman to examine. They are on the table and will be left on the table from day to day.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT moved that the Bill be referred to a Committee of the Whole House on Tuesday next.

Hon. Mr. KERR—There is no reason why we should not have the third reading now.

Hon. Mr. POWER—I could understand if the House was to take a long adjournment that the suggestion would be a good one, but inasmuch as we have been informed that we are likely to sit here until the 12th December, and as we shall have nothing to do for a portion of that time, and these revised statutes are not to come into operation until the 1st January next, I do not see any reason why we should omit the usual committee stage of the measure; and it is only right that when we do go into committee we should have the roll of the revised statutes before us, so that we may form some idea of what we are asked to ratify.

Hon. Mr. SCOTT—They are on the table.

Hon. Mr. POWER—Yes, but they have been just placed on the table, and I for one have had no opportunity of seeing them. I should like to see them before finally voting on the Bill.

Hon. Mr. FERGUSON—I would suggest that as the hon. Secretary of State will probably submit the report some time during this sitting of the House, our Journals should show that the submission of the report precedes the second reading of the Bill.

Hon. Mr. SCOTT—The report is in the statutes itself.

Hon. Mr. FERGUSON—My suggestion is that it should take priority on our minutes of proceedings to the motion for the second reading of the Bill.

Hon. Mr. SCOTT—The volumes themselves constitute the report.

Hon. Sir MACKENZIE BOWELL—When Sir Alexander Campbell laid similar documents on the table, they had been first signed by the Governor General and by the Clerk of the Senate, and, if I remember correctly, looking over the law which is now being repealed, that same provision exists. Is that practice revived in this statute, or is that formality done away with? This report before being laid on the table should be certified to by the Governor General and the Clerk of the Senate.

Hon. Mr. SCOTT—They are incomplete. The index is not in, but it is being prepared. Otherwise they have been carefully gone over by the commission and certified. In the case of 1886 there was no parliamentary legislation authorizing the Governor in Council to bring them into operation. The House itself considered the revised statutes after the commission had left them, and a committee sat for weeks and weeks in this chamber going over every chapter of them. That was not intended in this case. A different mode of operation was adopted.

Hon. Mr. FERGUSON—I understand now that the matter is not in such a state that my hon. friend can present the revised statutes to the House at this day. That being so, as the hon. senator from Halifax has said, there is no reason why we should proceed with the second reading to-day. It will go on record that we have given this Bill a second reading before we had received the statutes, and it would be a pity that such a thing should be on record.

Hon. Mr. KERR—We have already given it the second reading, the question now is whether the third reading should be to-day or next Tuesday.

The SPEAKER—The motion before the House is that the Bill be referred to a committee of the whole House on Tuesday next.

Hon. Mr. POWER—As I understand it, the hon. Secretary of State laid these volumes on the table yesterday. I agree with the hon. senator from Marshfield in thinking that that fact should have been set out on our minutes.

Hon. Mr. SCOTT—The package was not opened.

Hon. Mr. POWER—As a matter of fact these volumes, which constitue the report of the commission that has been at work for several years, were laid on the table yesterday and our minutes should contain some mention of that very important fact. As the hon. senator from Marshfield says, it does not seem to be just the correct thing that we should proceed to deal with a matter which, so far as our journals show, is not before us.

Hon. Mr. FERGUSON—It will be quoted as a precedent.

Hon. Mr. POWER—If the rolls were not laid on the table yesterday they should be laid on the table to-day.

Hon. Mr. KERR—There is no reason for it. The Bill in this case is not parallel to the Act of the last revision. In this particular it is not the same as the Revision Act under which this revision takes place; it provides that the Governor General may proclaim them and they then become the revised statutes. It will be seen that this is one which provides not so much for these laws being our laws hereafter as to provide for the repeal of other Acts which would appear to be inconsistent with that which the Governor General might proclaim to be the law. That is the reason why it is not necessary to go through either the form of laying them on the table now or going into Committee of the Whole House on them. We are not now enacting revised statutes. The revised statutes have been provided for by an Act, previously passed, under which this revision took place, and they are the revised statutes whenever the Governor General proclaims them, but there would be this difficulty about it—doubts might be raised as to the condition of this legislation and other legislation. This Bill provides for that. It appears to me that the proceeding is quite regular, and there could be no harm in having it declared in our minutes that the rolls which have been presented and signed by the revisors has been laid on the table, and it is not necessary for us to go into their consideration, because apart from any consideration of this Bill they can be proclaimed and will be proclaimed, outside of any provision of this Act.

Hon. Mr. MACDONALD (P. E. I).—Do not these revised statutes make a considerable difference in the law as it now stands? We ought to have some explanation as to what changes are made by this revisfon. We may be repealing Acts which many of us might not consider advisable to repeal, and making changes which may not be to the advantage of the country, and we should have an explanation from the government on that point.

Hon. Mr. SCOTT—I will just read the clause under which they have been revised and hon. gentlemen will see to what extent the commissioners were authorized to make any change.

> The statute commissioners in consolidating the said statutes and incorporating therewith the Acts or parts of Acts passed subsequent thereto and selecting for inclusion therein as above provided, may make such alterations in their language as are requisite in order to preserve a uniform mode of expression and may make such minor amendments as are necessary to bring out more clearly what they deem to be the intention of parliament, or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors.

That is what the commissioners have done. The changes are very, very slight. Of course there is no change in the law as far as that went. There are modes of expression not thought grammatical, and errors of one kind and another which were inconsistent and amendments were made which were not consistent with former Acts. Of course it would be absolutely impossible for the Senate, or any other deliberative body to undertake to go through the volume in a short period. It would take a month or six

weeks. I did not lay those documents on the table as a necessary adjunct to the Bill at all. It is simply for the information of the House to show what had been done. It had no connection with this Bill whatever.

Hon. Sir MACKENZIE BOWELL—I think my hon. friend will find, if he will read another clause of that statute, that it declares what shall be done before they be laid upon the table, that is that they must receive the sanction of the Governor General and also of the clerk. That has not been done. That portion of the law has not been complied with. The remarks of the hon. gentleman from Toronto might have some force if the facts were as he stated them. There may be changes and alterations made in the language of these statutes to which my hon. friend took objection, and they are laid before parliament for the purpose of a revision by parliament, of receiving sanction, and more than that, the Act we are now dealing with provides for other matters besides the ratification of the work of the commissioners who revised those statutes. I would like to press that point to which I have called my hon. friend's attention two or three times, as to whether he thinks he has complied with the law in simply laying these volumes on the table without complying with that clause of the Act to which I have referred ?

Hon. Mr. SCOTT—My hon. friend will understand that it is quite impossible to lay the French version of it upon the table because it will not be completed probably for another month.

Hon. Sir MACKENZIE BOWELL—I refer to the English.

Hon. Mr. SCOTT—Well it is the same as the French. If the one has to be laid on the table the other must be laid on the table also.

Hon. Mr. DeBOUCHERVILLE—It seems to me the procedure in this matter has been rather extraordinary. We are sending it to the House of Commons without consideration, not knowing if that House will do the same, and we who are regarded as revisors would be revised by the other chamber if they give it mature consideration. At all events I do not see the necessity for such haste.

Hon. Mr. POWER—If the House will allow me to say another word, this matter is different from the case of the revised statutes of 1886. In that case the revisors had to gather in the statutes of the various provinces. In addition to revising and consolidating the Acts which had been passed by the parliament of Canada, they had to go over the legislation of the different provinces, which had been enacted before the union of the provinces, and it was a serious task in that way to decide what should be embodied in the revised statutes and what should not. The government of that day thought proper, I suppose largely on that account, to refer the report of the commissioners to a joint committee of the two houses. I had the honour of being a member of that committee, and we went over the two printed volumes with a good deal of care and suggested certain changes. In the present case it did not seem to be so necessary that this preliminary consideration should be given, and at any rate parliament in its wisdom decided that that preliminary inquiry on the part of both houses should not take place. While that is true, and while it is true that we can, without looking at these volumes, without having them before us, pass this Bill, still, as a matter of courtesy to this House, it is only right that we should know what we are doing, and as we are not pressed for time, I think the government are taking the proper course in referring this Bill to the committee. We are not referring the revised statutes to the committee. The first subsection of the 3rd clause reads as follows :

> The revised statutes of Canada, 1906, are hereby ratified and confirmed, and declared to have and to have had on, from and after the first day of January, 1907, the force of law as if herein enacted.

It seems to me it is only fair to this House that before we pass that clause we should have those revised statutes before us so that we shall be able to say that we did not confirm the revised statutes without having at least seen them. Then there is another provision in this Bill which is new, and which is also important, and which does not appear in the Act of 1903, and that is the one with respect to the translation of the revised statutes into French. I understand that large-

ly it is ratifying something which has been done. I understand the work of the translation had been nearly completed, but it has been done without any parliamentary authority. I venture to differ from the hon. gentleman from Belleville as to the fact that the revised statutes would as a matter of course be translated. The section of the British North America Act, which the hon. gentleman referred to, states that the Journals and records of the House should appear in both languages. Well, the revised statutes are not a record of the Senate, and naturally the Minister of Justice and his officers—I rather think this Bill is the work of the deputy—would not come to the Senate and ask for a Bill which they did not think necessary. They have had this subject under consideration and given it a great deal more thought than any member of this House has given it, and they think that this Bill if not absolutely necessary, is at any rate advisable, and, therefore, I think that we should pass it.

Hon. SIR MACKENZIE BOWELL—As this is a question more particularly pertaining to the records and the mode of procedure, we might be excused for speaking twice on the measure. The 16th clause of the Bill provides for a repeal of the Act which my hon. friend read an extract from a moment ago in reply to the hon. senator from Toronto. The very first clause of the Bill makes this provision, and it is still the law of the land until it is repealed :

> As soon as the said commissioners or a majority of them shall report in writing a completion of the said consolidation including therein such Acts or parts of Acts passed during the present session and subsequent thereto as the Governor General may deem it advisable to be so included, the Governor General may cause a printed roll thereof, attested under the signature of the Governor General and that of the clerk of parliament, to be deposited in the office of the said clerk, and such roll shall be held to be the original of the said statutes as revised, classified and consolidated.

Now, I would like to ask whether that has been done before the consolidated statutes were laid on the table ? If my informaton is correct, it has not been done, and if not, are we acting in conformity with the law ?

Hon. Mr. SCOTT—We are adopting a different plan. We are confirming the statutes now revised and declaring them to be the law. We are not proceeding under the Act of 1903. This Bill does not go into force until January 1.

The motion was agreed to.

## COMMITTEE OF SELECTION.

### REPORT ADOPTED.

Hon. Mr. GIBSON moved the adoption of the first report of the Select Committee appointed to nominate the senators to serve on the Standing Committees of the Senate.

Hon. Mr. DAVIS—I do not know that I desire to criticise the appointments made by the committee struck for that purpose, but I should like to say a few words with respect to the rules which govern the number of senators who shall be appointed on each of the committees of the House. I find by the rules that there shall be on the Committee of Railways, Telegraphs and Harbours fifty senators. I want to say that this country is growing, and growing very rapidly. There are certain gentlemen from the Northwest Territories, or what were the Northwest Territories, but which are now the provinces of Alberta and Saskatchewan, and they would like to be on the Railway Committee. I think it would be good for the House and good for the country if they were appointed. Other members of the committee and of this House would like to get all the information they can when the questions with reference to building railways in the Northwest are being discussed, because two-thirds of the roads projected are being constructed in that country, and if there are any hon. gentlemen in this House from there who are able to give valuable information to the committee, I do not see why they should not be on the committee. We are told that they can go to the committee meetings and speak, but cannot vote. But they do not know when the committee is going to sit. They are not members and are not notified. Some people may think the west is a little too fast in desiring to get their representatives on the several committees, and that we are getting all we are entitled to, but I want to draw attention to this fact—and in the discussion on the Autonomy Bill I mentioned the same point—that the west has not its proper

representation in this House. I understand when the different provinces were formed into the confederation that it was divided for the purpose of representation in this chamber into three parts. The west at that time was an unknown quantity. We had the maritime provinces placed in one group and given twenty-four senators; Ontario was placed in another group and given twenty-four members, and Quebec was the third group with the same representation. Here we have four provinces in the west and only fifteen senators. We are entitled to twenty-four and have not got them, but we have a right to ask that the few we have here should have a little more representation on the committees of the Senate than they have at the present time. I went over the names of the members selected for the committees carefully. I did not object to the suspension of the rules because I hadn't any objection to the work done by the striking committee, but I wanted to go over the list of names to see who was on the committee and who was not. I think that was right and proper. There is no necessity to railroad anything through this chamber. I did not take the objection in order to obstruct, but simply to have an opportunity to see who was on the committees. I have gone over the list, and I will not say that there is a single name on the committees that should be struck off. But is there any objection to making the committees a little larger, as the country is growing? Take the Standing Orders Committee, one of the most important committees of this House, because it is the committee that throws the searchlight on all the private Bill legislation which comes into this House, to find out whether it has been properly advertised before it comes to this House, and we find nine members on that committee. And then we turn to the Library Committee, and I think it has fifteen, another committee twenty-one, and the most important of these committees is the Standing Orders Commitee, which has only nine members. I venture to say fifteen members would do a great deal better than nine, and is there any reason why it should not be a larger committee? There are hon. gentlemen sitting idle in the different rooms every day when that committee meets who would only be too glad to serve, whose judgment would be good and whose advice would be worth something. Why should there be only nine when you can make the committee fifteen just as well as nine? I think that a larger committee would better satisfy all the interests of the country. If you have nine on a committee and four are absent—

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman is not discussing the report of the committee. He is discussing the rules of the House, and if he wishes to change the rules, he must give notice of a motion, and then he can discuss the question as much as he pleases.

Hon. Mr. WILSON—I think the intention of the hon. gentleman who is addressing the House is to move that the rule be suspended.

The SPEAKER—These rules cannot be suspended, and the point of order is well taken. The hon. gentleman would have to move specially to revise the standing rules of the Senate, and he would have to summon the House officially for that purpose.

Hon. Mr. DAVIS—I am sorry my hon. friend's time is so precious and valuable that I seem to be trespassing when discussing the rules of the House. I am satisfied that we are not so much overworked that we cannot at times listen to something which might be beneficial to my hon. friend who has resumed his seat, although I am bound to believe the hon. gentleman thinks he has embodied within himself all the wisdom of the Senate; still I think occasionally a drop of wisdom might fall——

Some hon. MEMBERS—Order, order.

Hon. Mr. DAVIS—I hear from the chief engineer of the Power House that he wants order. I have been informed that we cannot change the rules without giving notice. I do not know that I have anything more to say on this question, but I will give notice later on to amend that rule, in order to increase the number of members on the committees, so that my hon. friend from Assiniboïa and some other hon. gentlemen who should be on the committees shall have a chance to be nominated.

Hon. Mr. POWER—I just wish to say one word on behalf of the committee, with respect to the western provinces. The hon gentleman is perfectly right in saying that there is now going on, and is likely to go on for some time, a good deal of railway building in the Northwest. But surely the hon. gentleman does not mean to give this House to understand that gentlemen who come from other portions of the Dominion may not be able to give suggestions and exercise judgment which would be nearly as valuable as that of the persons who are locally interested ?

Hon. Mr. DAVIS—I do not ask to have anybody put on the committee. I wanted more members placed on the committees.

Hon. Mr. POWER—If it is a question about a railway in a remote province, members of this House who are not locally interested are perhaps more likely to exercise sound judgment on it than gentlemen who reside on the spot, and who might have local interests which should not prevail in these cases. But, as a matter of fact, there is not any ground whatever for the complaint made by the hon. gentleman. The province of British Columbia has two representatives on the Railway Committee, Saskatchewan two, Alberta two and Manitoba three.

Hon. Mr. McMULLEN—Four.

Hon. Mr. DAVIS—New Brunswick has six.

Hon. Mr. ROSS (Halifax)—Nova Scotia has only two.

Hon. Mr. POWER—Three Manitobans have as much influence as six members from the lower provinces, as things go, but the fact is that considerably more than half of the western members are on the Railway Committee, and there is no substantial ground for complaint at all.

Hon. Mr. DOUGLAS—I wish to make a few observations on the question before the House. I do not suppose that anything I may say will change the opinion of the House in reference to receiving or passing this report ; still, being interested in the west, and knowing the very great necessity that the people should be fully represented, especially in this Railway Committee, I am forced to make some observations. I notice in looking at the personnel of the Railway Committee from the different provinces the following result : Ontario has ten upon that committee, Quebec 16, Nova Scotia 3, New Brunswick 2, Prince Edward Island 2, British Columbia 2, Manitoba 3, Saskatchewan 2, Alberta 2. I might make the inquiry, why the great number from Ontario and Quebec ? I do not know the usage of this House, and have no right to say anything about it. I do not know the principle on which the committee appointed to select the standing committees acts, whether it is a fact or not, that when a gentleman is once put upon a committee he is supposed to remain there until he dies, whether he attends or not. I believe there is a good deal of representation on this committee that would be much better off it altogether. With regard to the senior members, while we do not despise their ability, and do not despise their experience, if it is a fact that they are unable, through age or otherwise, to be present and take a prominent interest in the work of this committee, then they ought not, looking at the relation of the country and its interests, to stand in the way of others being appointed, and we make it a rule that if a member of this House is unable to appear and occupy his seat for two years that he looses his seat. It would be a good thing for this committee in future, if not this year, to adopt some rule that if a member of a committee fails to attend and take a reasonable interest in the work of the committee, that he should not expect to be continued. I do not think it would be quite fair to ask this committee, just on the spur of the moment, to write to all these hon. gentlemen and ascertain their minds on the question, but it ought to be done in the interests of the country. I wish to say that probably if these committees were purged, and you selected active men, there would be no difficulty about representation. It is important that these gentlemen should be present. There is another matter I desire to call attention to: why three in Manitoba?

The province of Manitoba has had its day. Its branch lines are all about built. and now we in the larger provinces of Saskatchewan and Alberta are largely engaged in railway building, and our people are alive to that question and expect their representatives, few as they are, to take

a very active interest in what pertains to their business and their interests in the development of that country. If the number cannot be increased, as I am well aware it cannot without changing our rules, it might be a gracious act on the part of some representative from Manitoba to say 'I am in the way,' and to gracefully step down and let one of us take the position, or it might be quite possible that some of our generous senators from Quebec and Ontario might do the same thing, and I am sure it would be very greatly appreciated by the people of the west. The people of the west are the people of the east. The eastern people are buildng up that country and the same interest should pervade the whole. I do not want to find unnecessary fault with the Striking Committee. I dare say they have had a great deal of trouble in naming the committee. I know the difficulties that surround them in work of this kind to give satisfaction to all, but I hope, for the future, some principle will be adopted and that they will see to it when striking these committees that they name men who are likely to take their places and perform their duties. I feel that the new provinces are not duly represented on this committee. I have that strong conviction, and usage and wont and ought not to take the place of justice and right.

Hon. Mr. CLORAN—I quite agree with the hon. senator from the west and the hon. gentleman who preceded him in this discussion. The hon. senator said Ontario has ten senators on this committee. I have figured out the names, as I know them personally, and find there are fifteen from Ontario, and there are sixteen from Quebec. Coming from the east, as I do, I have a good deal of sympathy with the demands of the young senators from the west. I have been an aspirant for appointment to that committee, and yet those representing the richest constituency in Canada have been unable to secure appointment. I have never said a word about it until to-day. I am prepared to allow my claims to go to any gentleman from the west, because I thoroughly agree with the hon. senator from Saskatchewan, that the railroad interests of this day have been displaced from Quebec and Ontario to the great west, and we are not entitled to such large representation on this committee. If any representative men are capable of giving information to the committee they are the members who come from the young provinces of the west. I understand that we cannot materially change the committees at this late hour and in this thin House, but in a full house it might have been advisable to do so. It should be a warning to those who are in power or who assume or control power in regard to the formation of those committees for next year, to bear in mind that there is growing in this House a sentiment which will not brook control which is not consented to by the members at large. What I say here is said firmly and determinedly. We will not allow the hon. members of this House to be pulled from one side to the other in matters of this kind without their consent. Every member of the Senate is equal to any other member, and should not be expected to submit when three or four gather in a room and talk over schemes and put them through. I am quite in accord with the feeling that is finding vent in this House in regard to the matter. Apart from this important Railway Committee, I find that on the Divorce Committee two hon. gentlemen are named who are never here. On the Railway Committee you have two or three gentlemen with great influence, but they are very little in this House. On the Divorce Committee I find the names of gentlemen who cannot be here because their business interests take them out of the Senate. Why not have a senator who is constantly in attendance, like the hon. senator from Halifax (Hon. Mr. Ross) on that committee in place of the member from Toronto. I point to these facts, not because I am in a position to ask for a change in the committees now, but in the hope that the Striking Committee next year will do better.

Hon. Mr. ROSS (Halifax)—The hon. senator has made reference to myself. There is one thing I can boast of—I am regular in my attendance in this House from the opening to the close of the session, yet I am placed on only one committee, the Committee on Standing Orders and Private Bills. The other of course is the Committee on

Printing, which is a joint committee of the two Houses. Now I do not like to feel that I would like the moss to grow over me in this House for want of employment. Although I am an old man I think I would be found as active and useful on some of the committees as some of the youuger members who have been named. I do not like on behalf of myself or my province to be so humbled and ignored as I have been by the Committee of Selection.

Hon. Sir MACKENZIE BOWELL—The principle laid down in selecting members in the committee has been carried out as far as it was practicable to do so, and as far as the committee thought they were justified in doing it, by leaving off or changing the names of many members of committees who have not been in the habit of attending regularly. That has been the case particularly with the Committee of Divorce, to which the hon. gentleman from Montreal has called attention. One member of the committee unfortunately died, and the other, though one of the brightest intellects in the House, and not second to any in Canada, was not able to attend. Two active, energetic members have been appointed to that committee in the persons of the hon. senator from Killarney and the hon. senator from British Columbia. I think the standing committee have performed their duty faithfully in the selections they have made. The hon. senator from Montreal spoke of the hon. senator from Toronto (Hon. Mr. Cox) being absent from the meetings of the Divorce Committee. I am told by those who form the committee that he has been a very good attendant at its meetings, and with the additions of two active, energetic young men, who have been added to that committee, it will be not only effective, but there will be no difficulty in obtaining a quorum at any time. The hon. gentleman from Victoria (Hon. Mr. Cloran) objects to the formation of the Committee of Railways and Canals and desires that the older members be removed and younger members be put on. I presume he means older members of the Senate and that younger men should take their places. Last session I was on four committees. This year I asked specially to be relieved of two, and I remain on two. Being the oldest senator on the committee I have no objection that the hon. senator should take my place, and if he is better able to attend his duties than I am, the Senate must be the best judge. Going over the names of that committee, I do not see one who has neglected his duties. I am strongly in accord with the sentiments uttered by the hon. senator from Halifax (Hon. Mr. Power) that gentlemen who has been in parliamentary life for thirty and forty years are just as capable of judging what is in the interest even of the Northwest, though they may not live there, as gentlemen who have just been appointed to the Senate whose good fortune it has been to adopt that part of Canada as their home. I go further, I am inclined to think that some of the older senators on that committee know as much about that part of the country as some who come from there, and have seen probably as much of it and studied its capabilities, and know as much about it as those who claim to be more familiar with it. They are just as capable of judging what is in the interest of those new provinces as any senator from the west. If the hon. gentleman can point out a single member of the Railway Committee who has obstructed legislation that was in the interest of that country, I would join him heart and hand in having that senator removed. Membership on the committee appointed to select the standing committees is not an enviable position. In almost every instance, strange to say, members cling to that committee. Nearly every member of the Senate wishes to be appointed to the Railway Committee, and all the Committee on Selection can do is to exercise their best judgment, as has been done in this instance, and in the past, and I hope will be done in the future. Next year the striking committee must not forget the warning of the hon. senator from Montreal, and must bow with due submission to his dictates and the threats he has uttered. I may say they will not affect me, speaking individually, in the least. I was surprised to hear my venerable friend (Hon. Mr. Ross) say he was only on one committee. In that he is in error ; he is on two committees. As an old paraliamentarian, with a good deal of experience, having been a member of a cabinet, my own impression is that he ought to be on some of the more important committees. If he considers himself

sighted, I can speak for the whole committee when I say that there was no intention of slighting him or any other member. They did the best they could under all the circumstances.

Hon. Mr. GIBSON—The committee did me the honour of selecting me as chairman and it is due to the House that some explanation should be given of the report of the committee. In the first place, the Library Committee had eighteen members; by the rule of the House that has been reduced to seventeen. Then the Printing Committee has been reduced from twenty-four to twenty-one, thus depriving us of four places on those two committees. I am happy to say that only two of our members have departed since last session, but we had four new members to provide for, and each of those members was placed on two committees. In the past, as every one knows, it was generally a year, and some times two years, before a new member could be put on a committee because of the delicacy felt in setting aside gentlemen who had long served the country. With regard to the hon. senator from Halifax (Hon Mr. Ross) he is quite mistaken in saying he has been appointed to only one committee; he is on two committees.

Hon. Mr. ROSS—What are they?

Hon. Mr. GIBSON—The Printing Committee and the Private Bills Committee; one of the most important committees of the House. Every senator is on at least two committees. In order to accomplish that the hon. senator from Belleville (Hon. Sir Mackenzie Bowell) graciously gave up two; Sir Wm. Hingston gave up one, and Senator Watson gave up one committee, and thus provision was made for the four gentlemen who are now making complaints. I do not know that they have much to complain about. You have fifteen men from the west out of a committee of fifty, and I think, with all due respect to the hon. senator opposite (Hon. Mr. Douglas), that part of Canada is well represented. He would like some senator from Manitoba to drop out and give the two new provinces three, leaving Manitoba only one.

Hon. Mr. DOUGLAS—I hold that the large provinces in the west, under existing circumstances, have not fair representation with two members when we have other provinces with ten to sixteen members each.

Hon. Mr. GIBSON—The hon. gentleman asks that Manitoba drop one.

Hon. Mr. DOUGLAS—I say they might gracefully do so and then be in line with the other provinces.

Hon. Mr. GIBSON—The hon. member should not forget that we gave Senator De Veber the position on the Railway Committee rendered vacant by the death of Senator Vidal. The Striking Committee did all they could to give fair representation to every part of the country. We have no vacancies left for the six members yet to come to the House and those gentlemen have just as good a right as any of us to make complaint that there is no committee work for them. This occurs every year. The attendance at the committee of the Senate would set a very good example to the committees of the House of Commons, and for that reason it is all the more difficult for the committee to strike off any name from any standing committee. I was sorry that two names were mentioned this afternoon, one the senator from Toronto (Hon. Mr. Cox). I want to say this in his absence, and I am speaking in the hearing of members of the Divorce Committee, that his attendance at the meetings of that committee was as good as that of any other member of the committee. With regard to Sir George Drummond, I am astonished at a member from Montreal suggesting that he should be removed from the committee. A man who is a director of the Canadian Pacific Railway to be asked to step aside from an important committee like that!

Hon. Mr. CLORAN—The Canadian Pacific Railway has no more right than any other road to special representation.

Hon. Mr. GIBSON—Sir George Drummond has as much right in this House as any other senator.

Hon. Mr. CLORAN—I did not ask to have him removed.

Hon. Mr. GIBSON—I am not going to bandy words across the floor of this House; it is not consistent with the dignity of the Senate. The committee removed, with very great reluctance, Sir James Gowan from

the Divorce Committee because of his great age and infirmity. In doing so every member of that committee expressed his personal regret that it became our duty to do so. But it was necessary that new and active men should be appointed, and I am in the judgment of the House when I say that the selections which have been made should meet with unanimous approval. Sir James Gowan is a man who has occupied a large place in the Dominion of Canada. He was 40 years a judge, and for many years a member of the Senate. He is full of years and of honour. He has been knighted by his King and honoured by his country, and I am sure every senator feels, as the committee felt, great reluctance in being obliged to remove his name from the committee which he adorned so many years.

Hon. Mr. McGREGOR—I am sure the committee has done everything they possibly could do, and yet I cannot agree with the principle laid down by the chairman of the committee that a senator who is once appointed to a committee should not be removed from it. Do I understand him to say that when a man is appointed to a committee he should remain on it to the end of his days?

Hon. Mr. GIBSON—I never made a statement about any one having a leasehold of a committee.

Hon. Mr. McGREGOR—I am not finding fault with the appointments. I am satisfied to act on any committee I may be placed on, but I do not think that because a man has acted for a year or two on any committee he should remain there for ever. He might be found incapable and, therefore, I say there is no reason why an appointment to a committee should be permanent.

Hon. Mr. GIBSON—I think, frankly speaking that any one who finds fault with the work of the committee ought to be man enough to stand up and name any member of the Senate who is unfit to act on a committee.

Hon. Mr. McGREGOR—The chairman misunderstood me; I have not found fault with any one. My objection is to the principle that he has laid down, that appointments to committees should be permanent.

The motion was agreed to.

The Senate adjourned until Tuesday next at 8 p.m.

## THE SENATE.

OTTAWA, Tuesday, December 4, 1906.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

### LEGISLATION AFFECTING JUVENILE CRIMINALS.

Hon. Mr. SCOTT—I should like to say to hon. gentlemen that there is a very interesting and important meeting being held this evening at eight o'clock—or perhaps a little later—at the Normal School, for the discussion of improved legislation affecting juvenile criminals. In some parts of the world a very great advantage has been derived from such legislation, and it would be an advantage to Canada if we were in line in this matter. Several interesting speakers will discuss the subject, and as the matter will in time come before us, I think it would be probably more interesting and useful for the senators to hear the arguments pro and con, than to lose very much time over formal matters to-night that might be postponed till to-morrow.

### SITE FOR PUBLIC BUILDING AT GLACE BAY.

INQUIRY.

Hon. Mr. McDONALD (Cape Breton) inquired:

1. Whether the government has bought a site for a public building at Glace Bay?
2. When?
3. What price was paid?
4. Was there a report made by a government engineer respecting such a site, and were there more than one site reported on?
5. Do the government intend to ask for tenders for the construction of a public building soon?

Hon. Mr. SCOTT—The answers to the inquiry are as follow:—

1. Yes.

2. First lot purchased in June, 1905, additional lot in July, 1906.

3. First lot $6,600, second lot, $4,599.

4. Yes, an examination was made by a government architect who reported on several sites.

5. Yes, as soon as plans and specifications are completed public tenders will be invited.

## CRIMINAL CODE AMENDMENT BILL.

### SECOND READING POSTPONED.

The Order of the Day being called:

Second reading (Bill C) An Act to amend the Criminal Code, 1892.

Hon. Mr. SCOTT moved that the Order of the Day be discharged and that it be placed on the Orders of the Day for second reading on Tuesday next.

He said. This Bill was introduced with the intention of presenting to the House a larger measure on the subject, and until that measure comes down this Bill cannot very well be taken up.

The motion was agreed to.

## FRENCH VERSION OF REVISED STATUTES BILL.

### IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (B) An Act respecting the Revised Statutes, 1906, and to provide for the French version thereof.

(In the Committee.)

On clause 3,

3. The Revised Statutes of Canada, 1906, are hereby ratified and confirmed and declared to have and to have had, on, from and after the first day of January, 1907, the force of law as if herein enacted.

Hon. Mr. POWER—The revised statutes, 1906, as I understand, and as appears from this Bill, are to be brought into operation on the 1st day of January next, and this Bill is to be assented to before the 1st day of January. The clause reads, 'confirmed and declared to have and to have had.' There is no object in inserting the words 'to have had,' because the revised statutes will not be in force until this Bill passes.

Hon. Mr. SCOTT—Oh, yes, this Bill will not pass the same time as the other.

Hon. Mr. POWER—Then the hon. Secretary of State gave us to understand that this Bill had to be passed before January 1st.

Hon. Mr. SCOTT—Yes, so it has.

Hon. Mr. POWER—And I received the same information at the Department of Justice. If this Bill passes before the 1st day of January, then how can this Bill say that the revised statutes had, before its passing, the force of law? Clearly the words 'and to have had' in line eight, should be stricken out. I therefore move that those words be expunged.

The motion was agreed to, and the clause as amended was adopted.

On clause 10,

French version.

10. The Governor in Council may appoint two or more competent translators to translate the said Revised Statutes into the French language, and the translators shall proceed as speedily as possible to make and complete such translation and report the same to the Governor in Council.

2. The Governor General shall thereupon cause a printed roll of the translation so made and reported, attested under the signature of the Governor General and that of the clerk of the parliaments, to be deposited in the office of the said clerk, and such roll shall be deemed to be the authentic original French version of the said statutes, and as such shall have the force of law as if herein enacted.

Hon. Mr. LANDRY—Will the leader of the government state why this clause is inserted ?

Hon. Mr. SCOTT—I mentioned when I introduced the Bill that it was considered by the Department of Justice that an error had been committed in 1886 in not having the French version confirmed.

Hon. Mr. LANDRY—I think it is the duty of the government to bring the French version into force at the same time as the English version.

Hon. Mr. SCOTT—Surely there can be no harm done in the enactment of this clause.

Hon. Mr. LANDRY—But the government has not done its duty.

Hon. Mr. FERGUSON—The French version is not here now. What will be the effect if the French version should not be ready by the 1st of January? I think some doubt has been expressed as to whether the French translation will be completed and ready for distribution before the end of the year. It would be a serious thing to have the statutes going into force on the

1st of January if the French version is not to be ready until some time later.

Hon. Mr. SCOTT—I understand they are making rapid progress with it. Additional translators are employed, and it is hoped it will be ready on the 1st January.

Hon. Mr. FERGUSON—And if it is not, what then ?

Hon. Mr. SCOTT—Then it cannot be proclaimed. There are certain schedules which must go with it and the index has to be prepared, so it is possible that it cannot be ready for distribution in time.

Hon. Mr. CASGRAIN (De Lanaudière)—If everything was complete in the English version, could it be proclaimed without the French version being ready at the same time ?

Hon. Mr. SCOTT—I think so.

Hon. Mr. CASGRAIN—I have been consulting some gentlemen in Montreal on the subject and they tell me that the statutes cannot go into force until the French version is ready.

Hon. Mr. CLORAN—That is quite correct. Coming from the province of Quebec, I know that a number of magistrates and judges in that province do not speak English, and you would expect them to administer a law which they know nothing about. You cannot have the laws administered in the province of Quebec without having them printed in the French language.

Hon. Mr. LOUGHEED—Instead of bringing this Bill into force on the 1st of January, the government should take power to bring it into operation by order in council. It is quite manifest that the revised statutes in both languages will not be printed and distributed by the 1st of January. I suppose there is no section of the public printing done more slowly than the publication and distribution of the statutes. I understand that the statutes of last session have not yet been distributed. It seems to me the hon. gentleman should take power, before we give this Bill the third reading to-morrow, to insert a clause to ensure a complete distribution of the revised statutes throughout the Dominion before they go into operation.

Hon. Mr. SCOTT—We had better leave that to the House of Commons. My own opinion has been for some time that they cannot be proclaimed on the 1st of January. As a matter of fact, there are now about 5,000 copies already in type, but in the roll that has been filed in the office of the Clerk of parliament, changes have been made, verbal and typographical corrections that will involve considerable delay. I understand there are about 300,000 copies ready to be stitched, and bound, and these can be circulated at an early date; but as I said before, the index is not ready and the French translation may not be ready, and my own opinion—not speaking for the government—is that they cannot be got ready in time. It is not the fault of the Printing Bureau, but of the translators.

Hon. Mr. POWER—This clause cannot do any harm at any rate, and there is no reason why we should continue to discuss it.

Hon. Mr. BEIQUE—The clause seems to me to be very objectionable for this reason, that it implies the possibility that the law may be brought into operation in English and not in French.

Hon. Mr. CLORAN—Hear, hear, that is the point.

Hon. Mr. SCOTT—It will be in force in French and in English, but it cannot be translated into French in the time.

Hon. Mr. BEIQUE—It implies the possibility that the French version may not be ready for a month or two, or possibly six months after the 1st of January. It can only be in force in French from the time the roll has been deposited in the House, so I think that the suggestion of the leader of the opposition should commend itself to all of us—that it come into force by proclamation.

Hon. Mr. CASGRAIN—Both languages being on an equal footing here, suppose the statutes had been completed in the French language and not in the English language, could they be put in force throughout the country ? They might just as well have completed the French version first, and had it printed and distributed; would the statutes be in force throughout the length and breadth of the land under those circumstances ?

Hon. Mr. POWER—The point is this: as I understand, in 1886, there was no express recognition by law of the authoritative character of the French version of the revised statutes. They were translated, but there was nothing to show that they were translated under the authority of parliament or the government.

Hon. Mr. POIRIER—That is the point.

Hon. Mr. POWER—And in order to remove any question on that point, the commissioners thought it was desirable that, in the present instance, there should be no question about that, and the French version is just put on the same footing as the English, and the clause cannot do any harm.

Hon. Mr. FERGUSON—I think there cannot be any objection to that, but the point that is troubling some of us is that it is more than likely the French version will not be ready by the 1st January when this Bill will become law. As the consolidation does not change the law, is there any good reason why we should name the 1st January? Would the 1st July or the 1st of some other month not suit just as well, and there would be no doubt in the world that the French translation would be ready by that time?

Hon. Mr. LOUGHEED—I would suggest that my hon. friend the Secretary of State should bring down an amendment permitting the government to take power to bring the Act into effect at any time.

Hon. Mr. SCOTT—I gave my opinion just now. There are gentlemen in the government who think it can all be done before the 1st January, and there is no use in making a change. The subject has been thoroughly threshed out and discussed.

Hon. Mr. LANDRY—We have no right to make a translation in one language only when the two languages are official. We have not the French copy.

Hon. Mr. POWER—The hon. gentleman will see that in the Act of 1903 provision was made for the English version, and this provision is on all fours with the provision made in the Act of 1903. I fail to see how it can do any harm whatever, and it removes any doubt.

Hon. Mr. LANDRY—That is not answering the objections at all. If in 1883 or 1885, or 1886 a wrong has been done, that is no reason why it should be repeated now.

Hon. Mr. POWER—The point is that it was not done then, and I have the authority of one of the best lawyers in the country for saying there is grave doubt whether the French version of the revised statutes was ever really in force.

Hon. Mr. KERR—I take it there is a little misunderstanding about the matter. Section 10 provides for a translation of the revised statutes into the French language—that is a translation of the revised statutes as adopted and declared to be law. Clause 10, which has already been quoted, provides that the Governor General shall cause a printed roll of that translation to be filed, etc. Clause 11 reads:

> 11. Copies of the said Revised Statutes, either in the English or French language, purporting to be printed by the King's Printer, shall be evidence of the said Revised Statutes and of their contents.

So that provision is made for a translation of the revised statutes. Provision is made for one copy to be filed in the roll, and provision is made for a copy of the revised statutes as prepared, purporting to be printed by the King's Printer, being evidence of the revised statutes. I think that that makes the matter complete, and is a proper thing in order to insure the French version being the authorized French version. Otherwise there being no such provision for an authorized version, the question would be open as to what was the true translation of the roll which was printed in both languages. Supposing there were no such provision, and a doubt arose with reference to the French version which had been printed, the question would be, is that a correct translation? But this precludes the possibility of that difficulty by declaring that the copy filed shall be the correct translation and correct version from the roll. The roll which is filed is one roll, and that one roll must necessarily be in one language; and therefore being so, what we want is to get an authorized version of that issue by the authority of parliament, and that is the object of this legislation. It will be borne in mind that until these revised statutes are adopted, there is no

authority under the British North America Act or requirement that they should be printed in more than one language. The second paragraph of the British North America Act provides that the Acts of the parliament of Canada and of the legislature of Quebec shall be printed and published in both languages; so that it is after they become the Acts of parliament that their publication as Acts have to be made under the British North America Act. Supposing that this provides for practically a simultaneous publication of those Acts, both the English and French versions, I think it is perfectly plain; it gets rid of any question as to whether there was a French version before.

Hon. Mr. LANDRY—I heard the hon. gentleman a few years ago proclaiming the doctrine that we had no right here to a French version.

Hon. Mr. KERR—I never said it.

Hon. Mr. LANDRY—I beg pardon, the hon. gentleman stated it once in this House. I will find the speech, and if I am not wrong, the minister set him down at that time. We claim it here as a right, not as a grant given by the people, but a right to have the public records of this House printed in both languages.

Hon. Mr. KERR—Quite so. I always agreed with that.

Hon. Mr. LANDRY—And what is proposed to-day? We are now proposing legislation which will grant us a translation.

Hon. Mr. SCOTT—Nothing of the kind. From time to time the translation has been going on.

Hon. Mr. LANDRY—If the translation has been going on from time to time, why have we not the translation of this Bill to-day? We have not the French version of it yet. The Bill we are studying at the present moment is not printed in French.

Hon. Mr. SCOTT—I think it is the fault of the people who are connected with the translation. It has been long enough in print to be translated a dozen times over.

Hon. Mr. LANDRY—Here is an Act that upsets all the fine theory advanced by my hon. friend. Cap. 2 of the revised statutes of 1886, provides:

> And copies of the said volume shall be printed in the English and French language respectively by the Queen's Printer, who shall as soon after the close of each session as is practicable deliver or send by post, &c., the proper number of copies to the parties hereinafter mentioned.

That is to the members of the two Houses. Here is a statutory provision saying that Acts of the parliament of Canada shall be printed in both languages.

Hon. Mr. SCOTT—So they are.

Hon. Mr. LANDRY—But not in this case. You are asking leave to get them printed, how many months after, we do not know; it might be two months, it might be three months. The government should employ two or three translators. If some of them fall sick the work is delayed. I think the best thing to do is to have the translation immediately.

Hon. Mr. SCOTT—They are trying to push it.

Hon. Mr. POWER—As I understand, the translation is now nearly completed. The difficulty with respect to the revised statutes of 1886 was that in certain cases there was a variation between the English and French versions. It is in order to prevent anything of that sort happening in the future that this legislation is proposed. Then the question arose as to which was the official version, and I think the feeling was that the English version, which was the one signed by the Governor General and the Clerk of Parliament, was the version which was to be looked upon as official. The object now is to provide that there shall be a French version which will correspond with the English version and shall be binding in all courts. No question can be raised as to whether it is the English version or French version which makes the law. I happen to know that this particular clause comes from the permanent officers of the department who wish to avoid the difficulty which arose in connection with the revised statutes of 1886.

Hon. Mr. FERGUSON—I think this clause which is before us is perfectly right. We are proceeding I think more cor-

rectly, and we propose to do the French language, and our friends who speak the French language a greater justice than they ever received before. The doubt I had was regarding another clause, one we have already passed, about the time the Act should come into operation. However, that has been called to my hon. friend's attention, and I hope, before it leaves this House, his mind will be clearly made up on the point, and if the Act is to go into operation at a period later than the 1st January, then the amendment should be made here, so that we will not be receiving an amendment from the House of Commons by and by in the line which we are pointing out as the one that we think ought to be pursued just now. However, this discussion has brought up another subject in which I feel a very considerable amount of interest; and that is this: section 10 of the Bill before us provides to place the French language in a proper condition in regard to the revised statutes, but from what my hon. friend to my right has read from the Act of 1886, I think there is a doubt as to whether the French language is put in that position with regard to the Acts that we pass here each session. Is there any Act of this parliament or any declaration on the part of this parliament which will give the laws that we are passing this session, the same authority that we are giving in section 10 of this Bill to the revised statutes?

Hon. Mr. POWER—The British North America Act does that.

Hon. Mr. FERGUSON—From what I have heard, it is not so, and, with regard to the special authorization of the French translation of the Acts that are passed each year, there will still be lacking the authority that we are giving to the French version with regard to the revised statutes.

Hon. Mr. CASGRAIN (de Lanaudière)—I suppose if the clause is carried in committee, it can be objected to on third reading.

Hon. Mr. SCOTT—Certainly.

The clause was adopted.

On clause 14,

Hon. Mr. POWER—Before the committee reports, I wish to make one observation. Clause 14 provides that this Act shall be printed with the said revised statutes. I have not noticed that there is any provision for printing the British North America Act together with the revised statutes, and I think it is desirable that the British North America Act and the Acts which amend it should be printed in the same volume, and further that there should be a table of contents at the beginning as well as an index at the end of the volume.

Hon. Mr. SCOTT—There will be a fourth volume which does not practically belong to the revised statutes, but which embraces what is known as schedule B, which is referred to also in the Acts of 1886. There will also in that volume be the British North America Act and the Acts amending the British North America Act and likewise the index. That will comprise a fair sized volume. It will make four volumes in all.

Hon. Mr. LANDRY—Before the Bill is reported, I should like to ask the hon. Secretary of State, who is in charge of this committee, that all Bills be printed in French. He must understand that if the law exists, if we have a right to have it, we shall claim it. This Bill has passed the committee stage without being printed in French, but I warn the hon. Secretary of State that in future we will insist on our rights, and will ask that all the Bills which come before us be printed in French, and it will be useless for him to ask the House to go into committee unless the Bill is printed in French.

Hon. Mr. SCOTT—My hon. friend is quite within his rights in making that request, but we cannot get the translators to do the work. I have made inquiries about it time and again, and the delay is due to the translators.

Hon. Mr. LANDRY—Get some other translators.

Hon. Mr. SCOTT—Sir Wilfrid Laurier thought he was getting a good, educated Frenchman in the House of Commons to do the work. Well, that man has been a nuisance from time to time. They present a paper to be printed; he revises it, and will tear the whole thing to pieces, and it has all to be set again. It is impossible

to find men who will do the work with some degree of common sense.

Hon. Mr. LANDRY—If the government will leave the choice to this side of the House we will see that there will be no difficulty.

Hon. Mr. SCOTT—There seems to be some difference as to the idiom. No two translators will agree. That is where the trouble comes in. After the translation is completed it goes before another translator who finds fault with every fourth or fifth line, and it has all to be reset. You have no idea of the trouble we have. Give us translators that will agree on some idiom.

Hon. Mr. CASGRAIN (de Lanaudiere)—I give notice that when this Bill is up for third reading I shall move that clause 10 be struck out.

Hon. Mr. BEIQUE, from the Committee, reported the Bill with amendments, which were concurred in.

The Senate adjourned until to-morrow at 3 o'clock.

## THE SENATE.

OTTAWA, Wednesday, December 5, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### INTERVENTION OF GOVERNMENT IN STRIKES AND RIOTS.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate a copy of all papers and correspondence having reference to the calling out of militia and to the intervention of the government in the late strikes and riots in Hamilton and Buckingham.

Hon. Mr. DAVID—Will the House permit me to state what the object of my motion is, so that the honourable Senate and the country will know the object I have in view. I have already discussed before this Chamber the question of the payment of the militia by the municipalities when they are called out during labour strikes. I have always contended that the municipalities should not pay for the services for the militia when they are called out under such circumstances, and if the obligation is imposed on the municipalities to pay a substantial sum for the services of the militia, it will necessarily be the cause of great difficulties. The militia may not be called out when necessary. I desire that my motion be allowed to stand for the present.

The motion was allowed to stand.

### ROSS RIFLE BUILDINGS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. To whom do the lands belong upon which are the buildings erected by the Ross Rifle Company, and also the lands which adjoins them ?
2. Had the government the right to dispose of these lands without the consent of the city council of the city of Quebec ?
3. Has it still that right ?

Hon. Mr. SCOTT—The answer to the 1st question is that the title is in the Crown. The 2nd, yes, to the 3rd, yes.

### LIFE-SAVING APPLIANCES ON THE PACIFIC COAST.

INQUIRY.

Hon. Mr. FERGUSON rose to

Call the attention of the government to an address passed by the legislative assembly of British Columbia on the 12th of March last, urging the government of Canada to establish life-saving appliances on the west coast of Vancouver island; and will inquire of the government if any action has been taken by the government in providing such life-saving appliances ?

He said : In calling attention to this subject I have no desire to take the matter out of the hands of the hon. gentlemen representing British Columbia in this House. I merely introduce it for the purpose of getting preliminary information on the subject of the inquiry that follows regarding Prince Edward Island. I might say as a citizen of Canada, I felt a very deep interest in the question of providing life-saving appliances on the west coast of Canada, having read the appalling story of the loss of life which occurred on that coast in connection with the

wreck of the ship 'Valencia' about a year ago.

Hon. Mr. SCOTT—The government have recently established, or are now building, the following aids to navigation, possible life-saving precaution : A lighthouse and fog alarm on Trial Island—recently put in operation, a whistling buoy at Port San Juan. Light and fog alarm at Camanah will be strengthened. A first class lighthouse and fog alarm station is under construction at Pachena Point, and a temporary light is established. Cape Beale lighthouse has been rebuilt, the light will be improved, and a fog alarm will be established next year. A whistling buoy has been established by the United States government on Swiftsure bank. A whistling buoy has been moored in Carolina channel. Small lights have been established on Swale Rock, Barkley Sound, at Amphitrite Point, Ucluelet ; at Kyuquot entrance ; and at Quatsino entrance. A first-class light is to be built next year on Estevan Point, Hesquiot. A system of Marconi wireless telegraph stations will be established along the west coast. A lifeboat has been built and manned and is now in commission in Victoria, and a wide extension of the life-saving service, including the equipment of a motor life-boat is under consideration of the government, to be kept in Barkley Sound. The question of building a coast road is under consideration of the government. This is a matter that ought to fall within the duties of the provincial government, but the premier of British Columbia having notified the Canadian government that he did not consider it a function of the provincial government, the Dominion government are willing to undertake such work as is required in this direction.

## LIFE-SAVING APPLIANCES ON THE COAST OF PRINCE EDWARD ISLAND.

### INQUIRY.

Hon. Mr. FERGUSON rose to

Call the attention of the House to the serious loss of life caused by the recent wreck of several vessels on the north coast of Prince Edward Island, and to the absence of life-saving appliances in that locality; and will inquire of the government if they intend taking action to provide absolutely necessary facilities to aid in the preservation of the lives of seamen on that coast ?

Hon. Mr. FERGUSON.

He said : Hon. gentlemen are, no doubt, aware that early in November we were visited with a series of remarkable storms on that coast and quite a number of ships were cast ashore and many lives lost. It was found that no provision whatever had been found to meet cases of that kind. I shall not take up the time of the House with details of what occurred. Red tapeism in its worse form appeared to stand as an obstacle in the way of obtaining relief. A Finnish barque went ashore on the east point of Prince Edward Island and great difficulty was found in getting the departments or their agents in the province to do anything whatever towards saving those who were wrecked. Several men could be seen from the shore on these wrecks in a most perilous position, and it was known at the time that several lives had been lost. One of the sailors who drifted ashore was still alive, but in a very serious condition. Notwithstanding that state of things the agent of the Department of Marine and Fisheries would not move or do anything without the authority of the department at Ottawa. Finally when a life boat was obtained the Department of Railways would not run a special train to Souris unless $60 was paid. Finally a private citizen put up the $60, and the life-boat was dispatched. All this time valuable human lives were in peril and some were actually lost while official red tapeism stood in the way and prevented anything being done. Very great feeling arose in the province on the subject, and while the officials of the government could not do anything, apparently from the strictness of their orders, and the manner in which they were tied down by the departments in Ottawa, two brave young men whose names will be long remembered in Canada, I hope, Austin Grady and Duncan Campbell, finally took a dory and faced the sea in a terrible state of commotion, went to the wreck, took off three men and saved their lives. While this heroism was being displayed by the people of the locality, public spirit was aroused to the extent of private citizens paying the fares on railways when the officials of the government would not do any thing. My object is not so much to call attention to this, though the blame must rest somewhere for the state of things I have

described, but to direct attention to the necessity of providing life-saving appliances on the coast of the island. No doubt the department has already been communicated with about it, and I hope something will be done to prevent red tapeism interfering on future occasions with attemps to save human life. There were several other wrecks in November. Owing to the utter inefficiency of the department and their refusal to do anything towards helping to save life in a great emergency, I wish to inquire if the government have done anything since that time to provide life-saving appliances on the coast of Prince Edward Island.

I notice that very many things have been provided and are to be provided in the case of British Columbia. I observe that part of the British Columbia demand was that a steamer should be maintained on that coast, and, as far as I could follow the hon. Secretary of State, I did not notice that that request had been complied with. In the case of Prince Edward Island no such request as that has been made, and a steamer would not be necessary. The railway runs the entire length of the province, and if there were efficient life-saving appliances available they could be moved along by the railway and sent to any point on the north shore of the province wherever they would be needed. What appears to be required is that these life-saving appliances should be first procured and made available, and secondly that the officials representing the government of the province would be in a position to implement them without having to communicate with the department at Ottawa. It seems extraordinary that when human life is in peril red tapeism would go so far as to require these officers to stand by and allow men to drown without having it in their power to do anything until they would communicate with the departments at Ottawa, and when the whole trouble would be over before any authority could be obtained.

Hon. Mr. SCOTT—The incident to which my hon. friend has alluded is of course a very regrettable one, and also the fact that persons were in charge there who, when human life was at stake, had not the courage to act independently of any authority. I had no explanation of the fact from the department, and therefore I am unable to discuss that element of it, other than to say that I shall see that the hon. gentleman's remarks reach the Minister of Marine and Fisheries. The answer he has placed in my hands is a very brief one. It reads as follows:—'The department is aware of the recent unfortunate wrecks on Prince Edward Island, and is taking steps to provide a life-saving station on the north coast of the island.'

We hope that the persons in charge of the station will have—and I have no doubt they will possess—the authority to act in a case of emergency such as the hon. gentleman has described.

Hon. Mr. SULLIVAN—I intended to move a resolution somewhat similar to the motion under discussion, relating to the inland waters, but there is no necessity for doing so now that the hon. gentleman from Marshfield has brought in this resolution. I look at it altogether from a humane point of view. I think it concerns all parties, particularly those who live in the neighbourhood of where those accidents are liable to occur. Instead of an investigation in regard to Prince Edward Island, the inquiry should take a much wider scope and should embrace the whole of the inland waters of Canada. There is a resolution on the order paper of the House of Commons with reference to Toronto, and if every one is to move in this matter as accidents occur in any locality, there will be no general system. I think that it is not necessary to establish life-saving stations if the apparatus can be procured at certain points. I live at one of the lake ports, and I do not know as there has been any great loss of life there or any at all, as a result of not having life-saving apparatus, but accidents may happen. I have not the means of knowing just exactly what the causes of these disasters were, but there is no doubt that the season of navigation which has just closed has been fruitful of death by ship wreck, and by stress of weather; therefore I think it would be opportune, if the House will allow me to make the suggestion, that an investigation or an inquiry might be held as to the necessity for obtaining this apparatus, not for one particular locality, but

for certain points throughout the whole of Canada, and not for the ocean ports alone, but also for the great lakes and bays, &c. I have no doubt such a measure as that would be necessary in any event. We have every sort of apparatus provided for saving the lives of cattle, and we neglect, I am afraid, the health and the lives of individuals. If we could decide what could be provided in the shape of apparatus of a life saving nature, it would result in much greater good.

Hon. Mr. ELLIS—I may say that almost at the same time that the wreck occurred on Prince Edward Island, there was a wreck on the coast of Kent, at Rexton, outside of the bar there in our province, and for three or four days some of the men were alive upon the wreck. They might have been saved if the locality had had some appliances with which to reach them but they were all lost. A few days afterwards there was a wreck on the St. Lawrence. A barque was lost, and all hands were drowned within sight of their home, and there were no appliances to save them. The Rexton disaster was a bad one. The men were Norwegian sailors, and those on the seashore had a good deal of sympathy with them. It seems too bad that these men could not be saved. The answer which the hon. Secretary of State has made to the inquiry in regard to British Columbia is not an answer to the question which the hon. gentleman from Marshfield asked. A lighthouse is not a life-saving appliance in the sense in which we understand it, nor is an electric wire. The government should go to work deliberately, and even at considerable expense provide along the whole of the coast, all the modern appliances of life-saving that are provided by those institutions which are kept up by the United States government. After every storm on their coasts we read of the saving of Canadian sailors along the New England shores by the splendid modern appliances which the United States government have provided. The government should take that matter up. It is true that in the thirty or forty years which have elapsed since confederation, we have secured our coast, but the Department of Marine and Fisheries has not grappled with the important question of having good men and life boats and all the guns and modern appliances by which they are able to throw ropes to ships. I trust the hon. Secretary of State will press upon his colleagues and the government the necessity of making an entirely new departure in doing the work which we have too long neglected, which we have not taken up by reason of the expense of it; but in these days when there is so much public money that we do not know what to do with it, we ought not to leave unanswered the call, particularly as that work is done for us by the United States government on the New England coast, where our own seamen are sometimes in peril.

Hon. Mr. ROBERTSON—I am pleased to learn that it was not at the department the trouble arose. It seems to me from what has been stated that the trouble was entirely with the agent of the Marine Department in Prince Edward Island. Of course the people of Prince Edward Island did not know where the trouble was, and they were very indignant indeed. Fancy a large ship 1,800 tons being torn in two on the ledges on the point of Prince Edward Island. There were human lives on both parts of the vessel and they were there for sixty hours. One after another was carried off. The older ones were washed away first, and it was only the young and strong that were able to endure what these unfortunate people had to undergo. Some of them lashed themselves to deals and reached the shore in that way, the people on the shore coming as far as they could and bringing them to land. Two of these people remained very nearly sixty hours. Young Campbell and Grady took a dory, went out and brought off two, but there was a man left on one part of the ship. There was no getting near him so he lashed himself to a deal and came ashore alive. He was very ill and exhausted for a while, but he revived. All this time the agent of marine dilly-dallied and did nothing at all. We all thought he might have taken the responsibility upon his own shoulders—and the whole people of Prince Edward Island and the people of Canada would have backed him up if he had taken the risk and been man enough to send the life boat down from Charlottetown as quickly as possible and help these people off. I am glad to hear the statement

the hon. gentleman has made because if such a thing occurs again we will know where to put the blame.

Hon. Mr. LOUGHEED—I think the hon. gentleman from Montague entirely misapprehends the position of the hon. Secretary of State. I understand the hon. Secretary of State did not palliate the act of the department in restricting the instructions given to its agents. All I understood the leader of the government to say was that those men were to be condemned—that is the representatives of the government or the government agents in Prince Edward Island—were to be condemned for not having sufficient courage to entirely disregard the instructions of the Department of Marine and Fisheries. This in no wise should palliate the negligence of the department; in fact I might say the criminal negligence of the Department of Marine and Fisheries in thus restricting the government agents at the various points where they are stationed. These men should certainly be permitted to exercise the very widest discretion in the case of life or death. It is absurd to suppose for one moment that those men should be tied down to the red tapeism to which my hon. friend from Marshfield has referred. This House is certainly under a debt of gratitude to my hon. friend for directing the attention of the government, not only of the government but of the public to this matter, because it is necessary that public opinion should protest most strongly against the administration of a department, or the maladministration of a department such as is indicated by the remarks of my hon. friend from Marshfield. If it were not for the tragic features of the circumstances mentioned, one would think we were listening to a comic opera in relation to the events referred to; that in a case of life and death communication should have to be made between Prince Edward Island and Ottawa to obtain the permission of the Ottawa authorities to allow their representatives in Prince Edward Island to go to the rescue of men on the very verge of death, is monstrous in the extreme. Language certainly is not sufficiently strong to denounce the indifference and negligence of a department so conducted, and I think it is very fortunate in the public interest that attention has been directed to this fact. The only thing I do regret is that my hon. friend in his inquiry did not go further than he has done in having my hon. friend bring down to this Chamber the instructions given by the Department of Marine and Fisheries to these officers. We then might have been able to determine wherein the fault lies; but nothing which has been stated here should for one moment lessen the responsibility of the department to the public for the mal-administration of affairs in this way, and the great loss of life which has resulted therefrom.

Hon. Sir RICHARD CARTWRIGHT—I think my hon. friend who has just resumed his seat has entirely misapprehended the position so far as the Department of Marine and Fisheries is concerned. I am speaking without having consulted them on the point, but I will venture to assure him that neither that department or any other department of government has ever issued instructions to their officers which could in any shape or form be construed as forbidding them to render assistance in such a case as the hon. gentleman from Marshfield has described. The department, as a matter of course, could not be expected to provide for every accident or every case that has occurred, but its officers could not say, and could not plead, I am quite sure, that any instructions will ever be found from the department which will forbid them to exercise their discretion in a case of this kind. They may have been unwilling to take the responsibility. That is possible enough, but most assuredly it was not in consequence of instructions from this department. With respect to the important matter that has been brought up, and which well deserves the consideration of honourable gentlemen and of the Senate Chamber as well as the government, as respects the establishment of a proper system of life-saving throughout the Dominion, that may very fairly engage the attention of the Department of Marine and Fisheries. I believe it has been called to it, partly, no doubt, on account of these unfortunate accidents to which allusion has been made; but I would observe to honourable gentlemen generally that our coast line is one of very great extent. If you include the great lakes, I should say our coast line must extend for a matter of five or six

thousand miles in all, and we cannot be able or expected to provide life-saving stations at every point along such an extended coast at which accidents may occur. That is not saying that the question should not receive attention. It has received attention from the department, and I have no doubt this discussion will be useful and valuable when brought to the attention of the Department of Marine and Fisheries in encouraging them to proceed further in the establishment of such life-saving stations as can reasonably be provided. Honourable gentlemen who have paid any attention to this matter are aware that even in European countries and particularly in England itself, where very great pains have been taken to provide as many life-saving stations as possible, accidents not unlike those that have been described have very frequently occurred, in which it has not been found possible, even with the appliances so numerous scattered along the English coast, to render relief to the unfortunate sufferers. Nevertheless I quite agree with hon. gentlemen on both sides, that this is a matter which can very fairly engage the attention of the Department of Marine and Fisheries. I do not think it is fair, unless the hon. gentleman has the instructions in his possession, to show that these men were forbidden to render assistance, to accuse them of criminal negligence, because agents at a distance may not always have felt ready to take the responsibility which I think they might very fairly have assumed.

Hon. Mr. ROBERTSON—That is the way I understood it. I never heard that the agent of the Marine Department ever wired to the department for instructions. He allowed two or three days to pass and did literally nothing; therefore the blame rests entirely on him and not on the department.

Hon. Mr. MACDONALD (P.E.I.)—My hon. friend from Montague is mistaken in thinking that the agent of the Marine Department did not telegraph. I understood he telegraphed almost immediately, on the application being made to him, to the department for instructions. The superintendent of the railway in Prince Edward Island refused positively, in my own presence, to allow an engine and car to be sent with a life boat until the money was first put up by private citizens. When that was done the life boat, which was at Charlottetown, was taken to the scene of the wreck at East point.

Hon. Mr. SULLIVAN—How many miles is it from Charlottetown to that place?

Hon. Mr. MACDONALD (P.E.I.)—About forty miles. The people of Prince Edward Island, knowing that these two young men had at the risk of their lives gone on board this vessel and saved some people who were then at the mercy of the waves on the wreck, had made up the sum of $500 by public subscription and presented it to them for their humane efforts in saving life. I trust and feel assured that the government will bestow on these young men the medals which are generally given to people who have risked their lives in such cases.

Hon. Mr. ROSS (Halifax)—I think it would be well if better attention were paid to providing life saving stations more effective in character and better managed than we have at present. We had two life saving stations on the island of Cape Breton established by the imperial government, and afterwards handed over to the government of Nova Scotia, which subsequently came under the control of the Dominion. They had life boats, and I know the value of one of those life saving stations when my own life and the lives of the crew that were with me were saved on St. Patrick's Day, 1857. If a life boat had not been there at that time that would have been the last that would have been known of us. I have had some correspondence with the inspector of lighthouses in Nova Scotia and New Brunswick, who reported to me that the appliances of some of those stations were of the crudest kind, and he requested the Department of Marine and Fisheries to send experts to Maine and Massachusetts to study the way that life saving stations are conducted there. Even if we do not increase the number—and I hope we will—it would be well that those we have should be of the best quality, and the men in charge of them properly trained for the purpose of saving life. As my hon. friend from St. John has well said, the government has money to burn and it could not be

better employed than in providing properly equipped life-saving stations of the most improved character.

Hon. Mr. ROBERTSON—I have no desire to prolong this discussion, important though it is, but I watched the newspapres very closely at the time of these occurrences. They were very indignant at the conduct of the government officials, and I never saw any mention of the agent of the Marine Department having wired to Ottawa for instructions. If he did eventually do so, it must have been at a very late date after the public had become indignant at his conduct. I am doubtful if he did so at all. He allowed these men to be lost while he dallied away the time, and did nothing.

Hon. Mr. POWER—There is just one point which is suggested by this discussion, which is that it now becomes the duty of the government to make some inquiry into the conduct of their officers in Prince Edward Island. If it is a fact that the superintendent of the island railway refused to allow an engine to go to Souris, and if the agent of the Marine and Fisheries Department neglected his duty, then the conduct of these gentlemen should be investigated, and should it be found that they have not done their duty, they should be got rid of and others appointed who will act differently.

Hon. Mr. McMULLEN—This is unquestionably an exceedingly important matter, and I entirely concur in the remarks that have dropped from the hon. senators from Halifax. If the individual in charge of the Prince Edward Island Railway positively refused in such an emergency to allow the use of an engine and car to take a lifeboat for the purpose of saving life, he is not fit to fill a public position, and the government should remove him. A man possessed of so little human feeling as to refuse to let a life-boat be taken to the scene of a wreck until a deposit of $60 was made, should not hold a public office. I hope the government will hold an investigation, and if that man has been guilty of any such conduct he should not be continued where he is. I admit the force of the statement made by the Minister of Trade and Commerce that we have a very extended coast line. Canada has been endeavouring to provide protection for her marine business by the erection of lighthouses, and they have been constructed as rapidly, I presume, as the resources at the command of the government would permit. There are two or three places where special effort should be put forth. We all regret very seriously the unfortunate disasters that have taken place on the St. Lawrence, and think that the government should spare no money that may be necessary to equip the whole of that important water-course with lighthouses, and provide fog horns to such an extent as to render navigation safe. That is a national matter. Every Canadian has an interest in the great St. Lawrence waterway, and its navigation should be made as safe as human ingenuity can make it. Another exceedingly important water route is that from Owen Sound and the eastern coast of Georgian bay to the head of Lake Superior. That should be protected by lighthouses and fog horns to render it as safe as it can possibly be made. An unfortunate disaster took place recently on the west coast of Georgian bay. A steamer, possibly a local steamer, and not very seaworthy, left Owen Sound with twenty-six people on board altogether, every one of whom was lost. It has not been ascertained yet whether that disaster was due to want of lighthouses and fog horns.

Hon. Mr. SCOTT—The vessel went down in seventy feet of water.

Hon. Mr. McMULLEN—That is a very important stretch of navigable water. The accumulation of freight in the western provinces is likely to become larger, and the traffic carried by that route is likely to increase steadily, and every kind of protective apparatus should be provided to save human life when disasters occur. With regard to the Prince Edward Island matter, I quite agree that some efforts should be made to protect those who are exposed to the dangers of the sea on that coast. No doubt the Minister of Marine and Fisheries feels he has a very serious burden on his shoulders, and is doing all he can to protect life and save property. We have had a statement from the hon. Secretary of State with regard to the unfortunate wreck at Vancouver, and it is quite clear that active measures have been taken to prevent the recurrence of

such a disaster, and works are now in progress with that end in view. We have such an enormous coast line that it is not much wonder if some portion of the work has not yet been reached, but I hope the Marine Department will never cease their active efforts until our whole coast is so efficiently protected that disasters may be reduced, human life saved, and the great sacrifices of past years may not be repeated.

Hon. Mr. POIRIER—In connection with the Prince Edward Island matter the action of the official in requiring a deposit of $60 before he would allow an engine to carry a life boat to save drowning men is particularly odious. Somebody must be responsible for that. I do not believe for a moment that an order to exact $60 for saving the lives of five or six persons emanated from my hon. friend the Minister of Railways and Canals. However, the condition is so grave that the public should know upon whose shoulders the blame must rest. The suggestion that an investigation should be made to find out the guilty person or persons is a proper one. The department at Ottawa must feel like relieving themselves from the odium of all this matter if they can. If they cannot, let them have the opprobrium of it, but let the person who was callous and lacking in humanity to the extent of exacting money to save the lives of men who were shipwrecked be known, and let them be punished by public opinion or otherwise.

Hon. Mr. FERGUSON—I have no desire to defend the agent of the Department of Marine and Fisheries or the superintendent of the Prince Edward Island Railway in this matter. As far as the latter is concerned the only consequence to him of violating any instruction would have been the loss of the $60. His conduct in refusing to allow an engine to be used to take a life boat to Souris contrasts very unfavourably with the conduct of Austin Grady and Duncan Campbell who risked their lives to save those unfortunate seamen. On that account I cannot possibly undertake to defend the conduct of the superintendent of the railway. I should like to be informed whether the department has remitted the $60 paid to permit the engine to be sent out ?

Hon. Mr. McMULLEN.

Hon. Mr. SCOTT—I have never heard of it. This is the first time I have heard of the incident.

Hon. Mr. FERGUSON—I would not expect my hon. friend to know it, but it would be interesting to learn if the department remitted the $60 to the gentleman who paid it out of his own pocket on that occasion. This is not a new question so far as that department is concerned. We know that the agent in the province is tied down by very strict rules and has been again and again threatened with severe consequences if he violated any of the regulations. Less than three years ago the steamer 'Stanley' got entangled in the ice, where she remained for three months. The other steamer went to her assistance, and broke her propeller and remained in the ice drifting about and lives were imperilled, and yet Mr. Lord was not permitted at very critical times to do anything without wiring to Ottawa for permission to act. Finally, as in this case, citizens took the matter in hand themselves, and at their own expense—perhaps it was reimbursed afterwards—they assisted very materially in rescuing the crews of those boats. I do not say that efforts were not put forth during that time by the agent of the department, but red tapeism appeared over and over again at that critical time when many lives and valuable property were in danger. It is no new thing to us in Prince Edward Island to learn that the agent of the Department of Marine and Fisheries is not permitted to offer assistance even in cases where the safety of human life was involved.

## THE TERMINAL STATION AT QUEBEC.

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of all the correspondence exchanged between the government or the chairman of the Commissioners of the Transcontinental Railway, or any other of the said commissioners, and the different railway companies having, or about to have access, to Quebec, or any other association or body or person whomsoever, on the subject of the choice to be made, of a union, central or terminal railway station in the city of Quebec ; as well as of every report whatsoever made on this subject, whether by the companies or the bodies in question, or by the aforesaid commissioners.

Hon. Mr. SCOTT—The subject is still under consideration, and therefore there are no papers that can be brought down until some decision is reached. It is not usual to bring down papers while a matter is under consideration.

Hon. Mr. LANDRY—I suppose if the subject is under consideration we shall have before long the government's decision. But in the meantime why should we not have the correspondence between the government and the chairman of the commission and other parties ? The question is this : two set of railways have already or require access to Quebec. The Canadian Pacific Railway enters by the north of the city, as also do the Quebec and Lake St. John Railway, the Great Northern Railway, and in the future I am told, the Quebec and Lake Huron also will enter on the north. At the south, the Quebec Central and probably in the near future the Delaware and Hudson having acquired the railway called the Quebec, Montreal and Southern, will enter from the south by the bridge. These are the railways entering at Quebec outside of the National Transcontinental.

Hon. Mr. BAKER—The Grand Trunk Railway.

Hon. Mr. LANDRY—The Grand Trunk Railway and Intercolonial Railway are on the south shore also. The Grand Trunk Railway and National Transcontinental Railway may be regarded as the same line. Those railways are supposed to come into Quebec by a bridge built, not in Quebec but in a parish near Quebec. The Transcontinental wants a station, and if such a station be a union one, the other railway companies are supposed to contribute to its erection. The place where the proposed station is expected to be built is at the Champlain market at the foot of the terrace on which the Chateau Frontenac is built. The place is very narrow. I suppose the market will be expropriated, but you cannot find room for a railway terminus for all those roads at that place. Those that enter on the north side have no interest in it at all, and those on the south shore coming over the bridge will require room for yards and accommodation for their trains. Though there is not sufficient room at the foot of the terrace, public rumour in Quebec states that certain parties have acquired some lots and houses in that locality which they are to sell to the Grand Trunk Pacific, or to the railroads which combine to have a union station at the foot of the terrace. I think the government should tell us what has taken place and what offers have been made. Until lately the Canadian Pacific Railway and the other railways which enter on the north side have been opposed to the scheme which places the union station on the site of the Champlain market. Suddenly the Canadian Pacific and the other railways have changed their minds. We want to know the cause of that change, and what the scheme actually is. It should be in the public interest as well as in the interest of the city of Quebec and of the commerce of the country generally to select the best place for a central or union station, and I call the attention of the government before the choice is made to the physical impossibility of constructing a union station at the foot of the terrace. It may serve private interests but it will never suit the public interest.

Hon. Mr. BEIQUE—The hon. member is not properly informed. I happened to attend, representing the interest of the Delaware and Hudson, or the Quebec, Montreal and Southern Railway, the first meeting called about six weeks ago, and the consensus at that meeting of the railways there represented, except the Canadian Pacific Railway and the Canadian Northern, was in favour of a station at the foot of the terrace. Two committees were formed, one for the shipping interest and one for the railway interest and it was decided to obtain the necessary information from three engineers—the engineer of the Harbour Board, the engineer of the Transcontinental Commission and another engineer, I forget his name, representing another interest.

Hon. Mr. LANDRY—All representing the same interests.

Hon. Mr. BEIQUE—These three engineers made reports. Two of them agreed upon one suggestion and the other made a different suggestion. These reports were submitted to a new meeting ; that of the dissenting engineer was not entertained. There were three meetings altogether, and at the last meeting the Canadian Pacific Railway was represented by its vice-president Mr. McNicol, who declared the willingness of the Canadian Pacific to join in building a

station of that kind provided it would not interfere with the location of the Chateau Frontenac. Of course the question has not been entirely matured yet ; it will have to be ascertained whether there is enough space between the cliff and the river.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BEIQUE—So far the very strong impression of all the parties interested is that there is sufficient space for their requirements ; therefore I doubt if there is any occasion for the objection made by the hon. member. Anyway it is premature to entertain these doubts. The hon. gentleman should wait until the parties interested have come to a final conclusion in the matter.

Hon. Mr. CHOQUETTE—This question is of the greatest importance not only to Quebec, but to the railways and the public in general. As a matter of fact, the whole city of Quebec, except a few people, are against the union station being built at the Champlain market, because there is no space, and it will cost an immense amount of money which could be expended in a better way. The board of trade and the harbour commissioners are against it. A few days ago I brought the question myself before the board of trade. We had a big meeting and it was unanimous in pronouncing itself against the site at the foot of the terrace, on the ground that there is not space enough. In order to put the question fairly before the public and to enable the government to study it properly, I suggest that a commission of three independent engineers should be appointed to ascertain if it is possible to locate a station there, and, if it is not, where would be the best place to put it. I have no personal interest, and nearly all members of the board of trade have none in the matter. I know there was a report of some engineers, as the hon. gentleman from DeSalaberry has mentioned ; three engineers were appointed who pronounced themselves one against and two in favour of that site, but the two were the engineers of the bridge company and of the Grand Trunk Pacific, and I am not much mistaken in saying that their report was made on the advice of the chairman of these two companies, and the chairman of these two companies is Mr. Parent. I do not wish to discuss the question at length here, but the government will do well to look into the matter before arriving at a decision.

As a matter of fact, at the meeting referred to where the press was excluded if my information is correct—and I think it is—it was only the Bridge Company and the Transcontinental Company who were in favour of that site. Perhaps they had good reason for it. But all the other companies were against. Mr. McNicol, of the Canadian Pacific Railway, later on said he had no objection to have the Union Station at the Champlain market; but I am not surprised, because the way he put it his company will gain much; their trains will take passengers from the Union, then taking them at their present one and go to Montreal. If I were interested I would be in favour of that, but he added that if all moneys that were to be spent for wharfs, &c., ought to be spent according to the views of the corporation and not what the Board of Trade and Harbour Commissioners are asking, from Champlain market up to Sillery. According to the report of the two engineers it would cost over $10,000,000.

Hon. Mr. LANDRY—$15,000,000.

Hon. Mr. CHOQUETTE—Perhaps it will cost $15,000,000 or $20,000,000 to build the wharf, &c., asked for and erect a station there. I have no interest in it whatever, but I know the Board of Trade and Harbour Commissioners are against that site. I know the parties, especially the parties who are interested in the Grand Trunk Pacific and the bridge company are very strong in their determination, and the president of the two companies is the same man. The two engineers who report favourably to their views, are reliable men, but are in the hands of the Grand Trunk Pacific and the Bridge Company, and they made a report to their company. I think we should have a commission of disinterested men to make a report, and if these men say that Champlain market is the best site I will support them. I do not know what my hon. friend has said, but as far as Quebec is concerned, nine-tenths of the public are against the site, because they say there is no reason to put it there. It is a bad place to put it. I think the Government should

pause before accepting the reports of the Grand Trunk Pacific Bridge Company and taking action in the matter.

Hon. Mr. SCOTT—There is nothing to bring down. While the matters are in an unfinished condition it is absurd to ask for correspondence, and it only tends to make the final settlement more difficulty.

Hon. Mr. LANDRY—If it is as absurd as the hon. gentleman says, then he must know all about it.

Hon. Mr. SCOTT—I know nothing about it.

Hon. Mr. LANDRY—He says they have come to no decision and are deliberating on the mattter. We might allow the motion to stand until another day or drop it for the moment.

Hon. Mr. SCOTT—Dropped.

The motion was dropped.

## TENDERS FOR SLEEPERS ON TRANSCONTINENTAL RAILWAY.

### INQUIRY POSTPONED.

The Order of the Day being called :

Hon. Mr. LANDRY that he will inquire of the government—

1. Have the commissoners of the Transcontinental Railway asked for tenders for supply of sleepers for any part whatsoever of the Transcontinental Railway ?
2. Who are the tenderers ?
3. What are the prices asked by each of them?
4. Who obtained the contract ?
5. At what price and for what quantity ?
6. Has the contractor begun the execution of his contract ?
7. What quantity has he delivered up to this date?
8. To whom and at what place ?
9. What amount of money has he received in payment ?

Hon. Mr. SCOTT—I have a letter from Mr. Butler, in which he says that he has been unable to obtain that information but hopes he will be furnished with it in a few days.

The Order of the Day was allowed to stand.

## SALE OF LOCOMOTIVES AT HADLOW COVE.

### INQUIRY.

Hon. Mr. LANDRY inquired of the government—

1. To whom, where and when were the workshops for repairing locomotives at Hadlow Cove, Lévis, sold ?
2. Were there tenders for the purchase or the pulling down of these workshops ?
3. What was the price paid ?
4. How much freight do the purchasers pay on the materials to transport them from Lévis to St. Romuald or elsewhere?
5. Is it to the knowledge of the government that a member of parliament has bought, or obtained from the contractors who are demolishing these workshops, a part of the woodwork in order to build stores upon his properties?
6. What price did this member of parliament pay to the Intercolonial Railway for the transportation of these materials from Hadlow Cove to Lévis?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. The workshops for repairing locomotives at Hadlow Cove, Levis, were sold to Mr. Joseph Garand, of St. Romuald, in October, 1906.

2. No tenders were asked, but offers were received from three parties.

3. One thousand dollars ($1,000) paid to the railway, and the site to be cleared of the rubbish, party taking away old materials.

First party asked $2,500, and the old materials, to clean the site.

Second party offered to clear site for the old material, which he wished to keep; balance to be removed by the railway at its expense.

Third party offered to pay $1,000, and remove material—which was accepted.

4. There are no special rates, and it is presumed regular tariff rates are being paid on the materials if any are being carried over the railway.

5. No.

6. Answered by No. 4.

## STRANDING OF STEAMER 'KENSINGTON.'

### MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of all the correspondence exchanged between the Department of Marine and Fisheries or any person or any company whatsover on the subject of the stranding at Matane of the steamer 'Kensington,' as well as of the inquiry which has been made into this subject, and of the judgment rendered by the commissioner making the inquiry.

Hon. Mr. SCOTT—There is no objection to the motion.

The motion was agreed to.

## VACANCIES IN THE SENATE.

INQUIRY.

Hon. Mr. POIRIER inquired :

Whether it is the intention of the government to appoint successors in the Senate to the honourable messieurs Dever and Wark ?

When will those two vacancies be filled if they are ever going to be ?

He said : It is with the best intention, and in a kindly spirit that I make this inquiry. I do not doubt for a moment that the government have good reasons for not filling the vacancies, but the public is desirous of knowing what those reasons are. These vacancies have existed for several years, especially in the case of the late Senator Dever. It may be that the government is in the same predicament in New Brunswick as they appear to be in Nova Scotia, where they can find no candidates to fill two vacancies that exist there. They did find one gentleman, if I am well informed, but he refused to accept. If the government are in the same predicament, if I may use the expression in regard to New Brunswick; if they cannot find gentlemen among their supporters who will accept the position—I know, however, many gentlemen among them who would fill the position most creditably—if no gentlemen of the Liberal party is willing to fill the vacancy, I will venture, with all humility, but in the best of spirit, to offer the government some help from this side of the House, and suggest to them Conservatives, equally as fit and competent as their Liberal friends, who would condescend to accept the position. I have the honour at the present moment of proferring my good offices to the government.

Hon. Mr. SCOTT—The matter is now engaging the attention of the government, and I hope the vacancies referred to will be filled within a reasonable time.

Hon. Mr. POIRIER—May I ask the hon. minister what he understands by a reasonable time ?

## CORRESPONDENCE IN REFERENCE TO KING'S COLONIALS.

MOTION.

Hon. Mr. DOMVILLE moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause a return to be laid before the Senate of all correspondence with the government or any of its departments in respect to the imperial regiment known as the King's Colonials.

He said : I suppose the motion for this address will hardly receive any consideration by anybody, because hon. members do not know what I am driving at, and I am sure that they will hardly understand it. My object in the proposed motion is to bring before Canada and the British empire beyond the seas the desirability of bringing together by an elastic bond all the loyal youth desiring to serve the empire at any critical moment, not to take the place of or interfere with the colonial forces, so-called, and not to interfere with the legislation of any of the colonies in regard to providing for a standing army. The King's Colonials was a regiment which existed in England, which I had the honour of visiting lately, inaugurated with the idea of appealing to the whole of the British empire for a volunteer force that would be willing to serve, if the necessity arose, without involving the idea of a tax being placed on the country, or colony, and subject to the call of parliament or of the people for the defence of the empire. It naturally would not be the wish of Canada, at any rate at the present day, to impose a war tax on the country, even in an emergency for defending the empire beyond the seas at any point that the empire might become involved, and therefore this regiment, which is endorsed by the Prince of Wales—nay, more than endorsed, because he is the Colonel Commandant of the regiment—was inaugurated. There are two gallant officers in the regiment who served in South Africa, Colonel Lawrence and Colonel Fortescue. The regiment was raised, not merely with the consent, but under the distinct patronage of the Prince of Wales, and has enlisted sympathy all over the world. It is a regiment of volunteers who are willing at any moment to say : 'We are ready to serve the empire,' but they are not to be forced out. Therefore it is called the King's Colonials, and they meet every year, and they have a squadron or a couple of squadrons, as the case may be, from Canada, Australia, New Zealand, and other parts of the world, and they come together in a

friendly way from all over the world and discuss matters. They exchange views, and perhaps will tell the public in England what can be done in the colonies for the mother country. It seems to be a good idea that there should be headquarters in England of a volunteer army who are ready to serve, not by dictation from any one, not by forced taxation or by enrolment by any part of the empire, whether they wanted to go or not, but a regiment which would be willing to go to the front whenever the empire got into danger, and whenever the mother country wanted assistance—a volunteer corps entirely from the first to last. I have a couple of letters here, which I shall not bother the House with, which I wrote and which were placed before the Prince of Wales. I presume no one has a right to refer to the Prince of Wales except in his military capacity as commandant of a corps. His name appears on the army list, and one is able to refer to him as any other officer commanding a corps. However, I expressed my views that this should not be called the King's Colonials, but should be called the King's Legion, so that every nationality could join in it, and every regiment of any nationality in Canada or elsewhere could ask to be affiliated with that regiment in England known as the King's Legion. Then all parts of the empire, Canada and Australia and the other colonies, would have an affiliated force of their own, not only to defend their country but to deal with civil, internal difficulties if necessary. There should be something very gratifying in having an army that would be prepared to come to the front and place their services at the disposal of the empire, regiment by regiment, squadron by squadron, battery by battery, as the case might be, and that without any pressure from the colonies or pressure from the government. It seemed to strike the people as the correct idea, and I simply said : 'I will make it my business to lay this matter before the British authorities, and if there is any credit to be given for it, that Canada should be the very first in the whole British empire to lead the van in these matters. In these days nations are watching to see how they can overcome each other. They look at England with her fleet. The taxpayer in England is only able to show the world at large a very small army, four divisions, which may be sent at any moment to some part of the world, not so much for aggression as for defence, looking to India and elsewhere, and if England should get into trouble, the first line of defence is her fleet, and if that fleet is overcome by the opposing fleet, then England has nothing to do but rely on every male in England to defend the home and homestead. The world is watching what England is doing. The nations know that while she has her great colonial possessions at her back she will be able to say : 'They are a part of England's standing army.' In these countries themselves there is an immense army, an immense legion, 500,000 men, as the case may be, according as the patriotism of the empire rises to the occasion. Not only is England willing to stake the last man that she has got to defend the empire, but there is a willingness all over the world on the part of the volunteers to come to her service, and any nation attacking England has to face the fact that in Australia, Canada and New Zealand they have an immense army ready to back them. I may say that I have studiously avoided speaking to any members of the government on this subject, because I did not want to entangle them in the matter, nor did I want it to be thought that they were taking part in it whatever. As a member of this House, I have ventured to bring before the people of Canada my impression, as gained in England, and I desire that this impression shall go throughout the world, that the first British possession to express an opinion on it is this great country of Canada. No matter what our ideas may be politically, we are united in our patriotism and faith, in the future of this great country. Canada will be able, in future to say : 'The youth and volunteers of Canada will take their part in the defence of the empire, whether English, Scotch, Irish or French. It is simply a volunteer proposition, and it cannot be considered in any other sense. I merely throw out these suggestions for the consideration, not only of Canada but the British empire beyond the seas at large. This is only the commencement of the move. It binds nobody. It merely involves the idea of what may be done in respect of the mother country if trouble should ever arise and foreign

nations would consider the fact that England has an immense army ready to help her if she should require it. It will not involve the government in any way. This King's Legion would be affiliated with regiments all over the British empire who desire to be connected with this great movement in England with regard to the whole empire. It does not require any legislation. It does not ask the government to place any tax on the people, or vote supply, or anything else, but these regiments in Canada and all over the world will consider it one of the greatest honours to be able to wear on the breast a small badge showing that they are part of the British empire, showing that they are affiliated with the King's Legion, and that the King's Legion is commanded by the Prince of Wales, the future king of this country. I desire to take this method of bringing the matter before the House. I do not suppose there are any papers to be brought down.

Hon. Mr. SCOTT—The Minister of Militia states that he has had no correspondence.

Hon. Mr. DOMVILLE—I suppose not. If the House will permit me, I shall withdraw the motion.

The motion was withdrawn.

## FRENCH TRANSLATION.

Hon. Mr. CHOQUETTE—I asked the hon. leader of the government if he was correctly reported last night in his remarks about the French translation. At page 64 of the unrevised edition of the Debates, he is reported as saying :—

> It is impossible to find men who will do the work with some degree of common sense.

Did the hon. gentleman really use that expression?

Hon. Mr. SCOTT—I do not know if these are the exact words. Perhaps that may be an exaggeration, but I have had occasion to criticise the long delays that have taken place in regard to translating papers from English into French. What I stated was, that often a translation was made by one official, would be taken up by another official, who would tear it all to pieces after the type had been set up. I have in my hands an illustration of what was sent down as a revise to the Bureau. That has been revised by another translator, and it is an illustration of a common practice.

Hon. Mr. CHOQUETTE—If it is true that the translators are good for nothing, I am sure that we could find hundreds of men who would be efficient. If the translators at present employed are not good ones, they should be dismissed and good men procured, but I do not like the statement to go to the country that these translators have no common sense. If they are no good, kick them out. I should not like that statement to appear in the debates. If the statement of the hon. minister is true, and can be proved, the only course is to dismiss these men and procure competent translators.

Hon. Mr. SCOTT—I do not make the appointment, nor does the government. I have been charged constantly by my friends from Quebec with neglecting the French translation, and it is quite apparent that the French translation is not prepared when it should be. I will take the order paper for to-day. Orders Nos. 1, 2 and 3, are printed in English only. No. 1 is Bill (B). The French copy was received on November 30th, Friday. The first proof was sent out on Saturday ; it was returned on Monday. The revise was sent out. They made the corrections on the same day—that is the revise after the proof had been corrected. That was on November 3rd, and that revise was sent back to-day. As far as Bill (B) was concerned, the French copy was sent to the Bureau on Friday last and the revise was only received to-day.

Hon. Mr. LANDRY—It was kept at the Bureau.

Hon. Mr. SCOTT—No, I gave you the date on which the Bureau sent it back. The proof was kept back. Now I will give you the facts about Bill (A.)

The French copy was received at the Bureau on Tuesday November 29th. The first proof was sent out the following day. It was returned on the Monday following. They were not satisfied with that, and another revise was sent on December 3rd. That was kept over until December 5 and was not sent back to the Bureau. That is the history of every one of them. Hon. gentleman say it is the fault of the Bureau ; it is never the fault of the Bureau. The printing is done there more quickly than in

any office in Canada. Take the House of Commons ; they already have had six or seven Bills in print—No. 2, November 30th, No. 3, 4 and 5, November 29th, Nos. 6, &c., December 5th. None of them were as early as those sent from this place, but the translators of the House of Commons have confidence in the Bureau, and they sent the order to print. In this House it is not so. —it comes back and back and back again. The government have no control over it. The inquiries I have made from time to time at the Bureau show that the Bureau is not to blame for it. They are exceedingly prompt, but when the proofs are kept here for days and days and not sent down promptly delay is inevitable. Take Bill (E) : That Bill was printed nearly a week ago, and yet we have not the French copy here yet.

Hon. Mr. BEIQUE—There are two on the staff of French translators. Mr. Bouchard and Mr. Chapman are entrusted with the translating of the Debates, and in fairness to them, I should like to ask the Secretary of State whether the proofs which he exhibited are any part of their work ?

Hon. Mr. SCOTT—I know nothing at all about the internal economy.

Hon. Mr. BEIQUE—It is not part of their work. Their work is under the special control of the Debates Committee, and as chairman of that committee, I kept track of the work done by them during the recess, by way of pressing the publication and circulation of the French edition of the Debates, and I am in a position to say that there was considerable delay in the Printing Bureau. No doubt they had good reason for it, but the translations were promptly made, and the proofs were promptly corrected and returned, yet weeks and months intervened without the printing being done. I suggest that a motion be placed on the minutes of the committee asking the officials to appear before the committee on Friday next for the purpose of explaining the cause of the delay. Now, as far as the other part of the question is concerned, it is the first time that the matter was called to my attention, and if the hon. Secretary of State, when there is any delay, will bring it to the notice of the Debates Committee, the committee will see that there shall be no further delay. I am not in a position to speak so far as the other translators are concerned. I have not followed their work. I did not think there was any occasion to do so, but the committee will no doubt deem it advisable to look after their part of the work. So far as the translation of the debates is concerned, a record is kept, and we can trace each page, the day on which it was translated, the day it was sent to the Printing Bureau, when the proof was received from the Printing Bureau and when returned to the Printing Bureau. When the revise was received, and when it was sent back, with a certificate that it was ready for printing, and at the end of it the Printing Bureau is responsible for the balance of the delay. We have therefore a complete check, and I am in a position to put those details before the House at any time they are required. I make these remarks in fairness to Mr. Bouchard and Mr. Chapman, to show that these gentlemen are not in fault, because I have ascertained how they conducted their work.

Hon. Mr. GIBSON—I agree with every word that has fallen from the hon. Secretary of State. I have some connection with the Printing Bureau, and I know something about the Internal Economy Committee. The appointments were made regardless of the political leanings of the men appointed, solely on the recommendation of hon. gentlemen from the province of Quebec, who understand the French language.

Hon. Mr. POIRIER—To whom does the hon. gentleman refer?

Hon. Mr. GIBSON—I am speaking now of the Internal Economy Committee. If there are any faults to be found with the gentlemen who do the translating, a committee of experts should be appointed, gentlemen who understand the French language thoroughly, and they should make a report to this committee, and stop the incessant cry about the work falling behind, and blaming the Printing Bureau and the Secretary of State who really have nothing to do with it. The matter belongs to the Internal Economy Committee and the Debates Committee. You have heard from the chairman of the Debates Committee that there is no fault to be found with the translation of the Debates. The fault lies with the other trans-

lators, and it is not in the power of any hon. gentleman on either side of the House, who does not understand the French language to say who is to blame. Certainly, if there are two sets of men pulling against each other, the sooner that sort of business is stopped the better. We are paying large salaries, yet the salaries never seem to be adequate to the work they do. There is complaint on that ground annually, and before any further salary question is considered by the Internal Economy Committee, a committee of experts who understand the French language should be appointed to look into the whole matter.

Hon. Mr. CHOQUETTE—It is very unfair to bring that piece of paper as proof against the translators. The paper the hon. gentleman has read to us dates from 1891. On that sheet of paper there are three columns, two English and one French, and most of the errors are in the English columns. Most of the errors in the French column are typographical and not errors in translation. I do not undertake to defend the translators of 1891, but it is most unfair to say that the translation now is improperly done when the proof furnished dates back 15 years to 1891. It may be the French translation is late, but it is not because the translation is faulty, but because there are not enough translators employed. They have too much work on their hands. Before charging them with incompetency or lack of common sense, would it not be better to see if they are not over-worked? I repeat, with all respect to my hon. friend the Secretary of State, it is unfair to bring that paper here and submit it as proof against the translators when it is not applicable to the translators of to-day. I know the French translators and I know they are first-class men in every respect. They are old hands at the work and do their duty, and if there is delay in the translation it must not be charged to them, but to the fact that they are over-worked.

Hon. Mr. SCOTT—I did not intend to connect the document from which I quoted with the present translators. I was speaking generally of the work sent down to the Bureau, and the proofs and the revises. No other printing office in Canada would tolerate the treatment served out to the Bureau. Not only the translators but officials who make out the reports, instead of preparing them in typewriting and having them corrected, send their reports down in a careless way and only complete their work when they get the proofs. Necessarily that involves very many alterations. I produced that sample as proof of what I said, and not to connect the present translators with it. I gave it in answer to the accusation made yesterday as to the delay in translation. The Bureau keep a record of the time manuscript is sent to them, the time when the proofs are sent out and when revises are furnished, and when proofs and revises are returned. I have given the dates and every hon. gentleman can see the record relating to all the Bills on our order paper to-day.

Hon. Mr. LANDRY—In regard to one of those entries, I am informed that what we call the order to print was given yesterday morning—that is the Bill we were discussing relative to the revised statutes—with a recommendation to rush it through for three o'clock. That was given yesterday morning; we did not receive the Bill until to-day at three o'clock.

Hon. Mr. POWER—There appears to be unnecessary delay. That is the one fact which I think is clear. It is the duty of the Clerk of the House, who is head of the executive of the House and the duty of the Committee on Internal Economy to locate the blame. We cannot do it here, and now that attention has been called to it, I assume that the committee and the clerk will do their duty.

Hon. Mr. POIRIER—As a member of the Debates Committee, I wish to express my entire approval of what the chairman of that committee, the hon. member from De Salaberry has said. The committee has charge and management of the Debates and not of the other part of the work of translation. I am the more satisfied with what has been said, because when one of the gentlemen who now performs according to the certificate given him by the chairman of the committee, his duty so commendably, was appointed, I was chairman of the Debates committee. At that time I had some clash with the leader of the govern-

ment on account of the supposed political complexion of the applicant. I did not know then to what political party the gentleman belonged, but I knew he was a competent man, and I insisted as much as I could—perhaps I was unparliamentary on that occasion—on the recommendation of the committee being carried out. The hon. gentleman will remember that when two or three years ago some other gentleman (I will not give the names) were appointed to look after the translation of the laws of the country, I asked that he should show that he was competent in all respects. That gentleman is certainly all right, but this being technical work, I asked it be not made a political affair but that the translator whosoever he might be, should prove himself equal to the task. I was voted down. I say this not to hurt in anyway the gentleman who has charge of the laws, but simply to vindicate the position I took then, that there are enough positions in this country that can be occupied by Tom, Dick and Harry to enable the government to recompense their faithful service with them and to leave technical positions to be occupied by men who are qualified to fill them. Now, to-day I have my vindication. I am sorry it is so for those gentlemen are fine men; but we suffer here for the lack of something that is made apparent by the situation we are in. Among the translators there are very good men. Most of them are good men, and I am sure that in the remarks he made last night the hon. leader of the government went a little further than he intended, because I know him to be a kindly and just man. I wish to vindicate the capability of most of the translators, but I again urge the government—I do not care which government it may be—when it comes to appointing men to do technical work, such as the translation of our laws, to set politics aside, or if politics must be considered, to see that the nominee be a man who is competent to fill the position.

Hon. Mr. COFFEY—Although the proofs shown by the hon. Secretary of State are not of recent date I can assure hon. gentleman that I have seen proofs of last year's work coming from the Printing Bureau that were pretty much along the same lines. This is simply disgraceful. I know such a thing would not be tolerated in any other printing office in the country. It is the cause of a great deal of the delay which occurs in getting the French work done. Now the fact is this; the translators, or the gentlemen in whose charge the work may be, should see first of all that they agree on what they want before they send the manuscripts to the Bureau to be printed. They should send clean copy, without mistakes, and in that case there will be no necessity for revises, no necessity for those vexatious delays. If the copy is sent in proper shape to the Bureau, I guarantee that it will come to us in good shape and in good time.

Hon. Mr. SCOTT—All the blame does not rest with the translators. I do not want that to be inferred by any one. I think it is in the transmission up and down between this Chamber and the Bureau, and the officials who receive it here who probably do not hand it to the translators in proper time. As far as I have been able to ascertain, I think there is a considerable loss of time after the proofs are sent up here before they are put in the hands of the translators.

Hon. Mr. GIBSON—Why not send them direct?

Hon. Mr. SCOTT—It is for the committee in charge to make the arrangements. There is a large waste of time, perhaps half a day or longer in that connection, between the message when it comes from the Bureau and before it reaches the translator, so I do not want to place all the blame on the translator. As my hon. friend from London (Mr. Coffey) observed, if the copy was sent down in good shape it would be correct when returned. There are good French scholars in the Bureau who are on the different machines and at the desk, men who are just as capable of translating as any one you can get, and they with the translations from the House of Commons take more responsibility than they do with translations from the Senate, therefore the revises do not go down from the House of Commons as frequently as they do from the Senate.

## THE SOLICITOR GENERALSHIP.

Hon. Mr. LANDRY. Before the Orders of the Day are called, I should like to ask the leader of the government if any progress

has been made in the nomination of a Solicitor General for Canada ?

Hon. Mr. SCOTT—I have heard nothing recently on the subject.

Hon. Mr. LANDRY—The hon. gentleman has heard that he lost the one he had.

Hon. Mr. SCOTT—I understand that.

## FRENCH VERSION OF REVISED STATUTES BILL.

### THIRD READING POSTPONED.

The Orders of the Day being called :

Third reading Bill (B) An Act respecting the Revised Statutes, 1906, and to provide for the French version thereof.

Hon. Mr. SCOTT—An hon. senator has asked me to postpone this Bill until to-morrow. I do not desire to press it on if the hon. gentleman has a reasonable objection.

Hon. Mr. BEIQUE—I have conveyed my objection to the hon. gentleman and to the Minister of Justice.

Hon. Mr. SCOTT moved that the Order of the Day be discharged and that it be fixed for to-morrow.

Hon. Mr. LOUGHEED—Would my hon. friend have any objection to stating that reason now, so that we may consider it before the third reading? Before the question comes up to-morrow we may desire to give it further consideration. If there is any vital objection it should be stated now.

Hon. Mr. BEIQUE—The objection is mainly what I mentioned yesterday in reference to clause 10 of the Bill. I have not had time enough to come to a final conclusion as to the form of the objection which shall be made with reference to that clause, and, therefore, I am not prepared to deal with the matter to-day. I saw the Minister of Justice for a moment and suggested that the matter should be laid over until to-morrow to give time to consider it.

Hon. Mr. DeBOUCHERVILLE—Is it understood that we shall have the Bills printed in only one language ? It has always been the rule to print them in the two languages ?

Hon. Mr. SCOTT—I think this Bill is printed in French. It has been distributed this afternoon.

Hon. Mr. POWER—I believe in senatorial courtesy, as they call it at Washington, but on the other hand hon. gentlemen who ask for a departure from our Orders of the Day should consider somewhat the convenience of the whole body. Now I put this to the hon. gentleman from De Salaberry : We are waiting here and the principle business we have to do before we adjourn over the Christmas holidays is to get this Bill passed through both Houses, and assented to by the Governor or his deputy. Now every day that this Bill is detained in this House means a day's postponement for our adjournment for the Christmas holidays. That does not affect the hon. member from De Salaberry alone ; it affects the 80 odd members of this House, and if there is anything wrong with the Bill, which I humbly submit there is not, that wrong can be made right in the House of Commons, just as well as here. When the Minister of Justice and the hon. member from De Salaberry have agreed as to the form in which the 10th clause of the Bill should appear, the amendment can be made in the House of Commons without involving necessarily the delay that putting it off from day to day here does. I would appeal to the hon. gentleman from De Salaberry to have a little consideration for the rest of us who are anxious to get home as soon as we reasonably can.

Hon. Mr. DAVID—Knowing the reasons why the hon. member from De Salaberry asks that the Bill be postponed, I would answer the hon. gentleman from Halifax by saying that the honour of the Senate would be more affected if the Bill were passed as it is than by having it delayed for some time.

Hon. Mr. POWER—I did not ask the hon. gentleman, who has just spoken; I asked the hon. member from De Salaberry, and I appeal to him.

Hon. Mr. LANDRY—Sometimes when I ask a question of the hon. minister, it is the hon. gentleman from Halifax who answers me.

The motion was agreed to.

## TREATY BETWEEN CANADA AND JAPAN BILL.

### SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (E) an Act respecting a certain

treaty between Canada and Japan. He said: Hon. gentlemen are aware from the observations I made when introducing this Bill, that it requires the sanction of parliament. The Bill proper consists of only three lines—— 'The convention of the 31st day of January, 1906, which is set forth in the schedule of this Act is hereby sanctioned.' We have no power of course to alter the treaty itself. That is attached to the Bill and is practically the Bill. I would therefore ask that this clause be read at the table, and the Bill passed through its several stages, suspending rule 63, as we cannot make any alteration, and the only provision in the Bill being, as I have explained, that we sanction the treaty.

Hon. Mr. DeBOUCHERVILLE—Supposing it is delayed a day or two, what would be the harm ?

Hon. Mr. SCOTT—I was asked to send some business down to the House of Commons. They adjourned yesterday at six o'clock, having no Bills to proceed with, They knew we had some Bills here and asked us to send any we could. As we cannot change the treaty, it would serve a very good purpose if we could send it down to that chamber.

Hon. Mr. LOUGHEED—Is it one of the conditions of this convention that it should receive the sanction of the parliament of Canada ? It is something unusual, I think, to have the sanction of the parliament of Canada given to an imperial treaty. True this may not be an imperial treaty in the sense that it is affecting the whole empire, yet in a constitutional sense it is. I should like to ask my hon. friend why there is that departure?

Hon. Mr. SCOTT—It was thought better to follow the precedent of the treaty with France which was also made with the imperial government and ratified, just as we are asking that this treaty should be ratified by the parliament of Canada. There is this difference, however, that in making the treaty between Great Britain and France it required to be confirmed by the parliament of Canada. The treaty with Japan does not contain any provision of that kind, but as it relates chiefly to customs duty the Department of Justice thought it was only proper that the parliament of Canada should sanction it.

The motion was agreed to, and the Bill was read the second time.

The Bill was then read at length at the table and passed.

## NATURALIZATION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (A) an Act to amend the Naturalization Act. He said : Under the naturalization law as it exists in Canada, the effect of the naturalization is to limit the privileges entirely to Canada. A similar law exists in other parts of the empire—in Australasia, and in the Cape. In New Zealand, and I think in some part of Australia, before the union, they passed legislation which provided that any person who had resided for a time, three years, and was naturalized in any other part of the empire—that is parts outside of the United Kingdom—the residence would not be counted, that on taking certain oaths a certificate of naturalization might be granted.

Now it was found in Canada, as an illustration, persons coming from New Zealand or from Australia and taking up land in the Northwest, homesteading were not entitled to their patent unless they became naturalized. A case arose of a man who had been in New Zealand and been naturalized there, but his naturalization did not count in Canada. Well it is carrying the principle very very far that he should be compelled to stay for three years in Canada, after having remained the proper length of time in New Zealand, and, as New Zealand, and as parts of Australia were adapting themselves to the changes that are now proposed —that is of allowing the time passed in another part of the empire, outside of the United Kingdom, on complying with the oath required in that part of the country or colony, that then the three years' term in this country would be dispensed with. That is the object of the Bill.

Hon. Mr. LOUGHEED—Do I understand my hon. friend to take the position that the Naturalization Act will not permit the recognition of a British subject by naturalization by any other colony being recognized as such in Canada ? I mention this with all deference to my hon. friend, but I would

be very doubtful whether that construction could be placed upon the Act.

Hon. Mr. SCOTT—Yes, that is the Act.

Hon. Mr. LANDRY—I call the attention of the hon. minister to the fact that this Bill is not printed in French.

Hon. Mr. SCOTT—Perhaps you will allow me to explain it and then we can let it stand till to-morrow. Our certificates of naturalization give a naturalized person no privileges if he goes to Australia or New Zealand or any point outside of Canada. If a man is naturalized in the United Kingdom that covers the whole empire, but if he is naturalized in any of the colonies, the rule in past years—although they are now departing from it—is that the naturalization only related to the particular colony where the subject was naturalized. If he was naturalized in South Africa and went outside of South Africa, the naturalization was no use to him, and the same in New Zealand and Australia. In New Zealand they have provided that residence in another colony shall count if the party desires to be naturalized in New Zealand and the party will not have to spend the three years in that colony, but any term that he has spent in another part of the British empire will count.

Hon. Mr. LOUGHEED—Do I understand my hon. friend to take the position that naturalization in any other British colony is not recognized under our Canadian law?

Hon. Mr. SCOTT—No, not outside of Canada.

Hon. Mr. LOUGHEED—But in Canada.

Hon. Mr. SCOTT—Naturalization in Canada is recognized.

Hon. Mr. LOUGHEED—Let us assume a naturalized British subject comes from New Zealand to Canada. Under our naturalization law we recognize him as a British subject.

Hon. Mr. SCOTT—Here was a case submitted to the Department of Justice the other day, where the Department of the Interior transmitted a document obtained under the Act of 1880. The point on which they desired ruling was whether the document was sufficient to meet the requirements of the Dominion Lands Act in the matter of an application for free homestead.

Hon. Mr. LOUGHEED.

Hon. Mr. LOUGHEED—Where was the residence put in?

Hon. Mr. SCOTT—He came from New Zealand. He had been a foreigner, but was naturalized in New Zealand and it was felt that he had to become naturalized here, and the answer of the Justice Department acknowledging receipt, stated that the letters of naturalization issued by the government of New Zealand are not sufficient to meet the requirements of the Dominion Lands Act in the matter of an application for a free homestead. These letters give him the rights of naturalization only in New Zealand, and do not relate to Canada.

Hon. Mr. LOUGHEED—The question might arise, in a case of that kind, as to whether a colony can pass legislation giving a status outside of the colony. I doubt very much whether we can pass legislation whereby we can provide that a naturalized British subject going to any other country should be regarded as a British subject in that colony. That is what is proposed to be done.

Hon. Mr. SCOTT—Oh no, it is just the reverse. What I say is that a person who has become naturalized in a British colony outside of Canada, and coming to Canada, that his naturalization in the other country may count in Canada. We are not interfering with anything outside of Canada.

Hon. Mr. LOUGHEED—Does that presuppose that the provisions are as rigorous in the colony from which he comes as those which are in force in Canada, viz.: that there shall be a three-year residence?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—It seems to me that is the way it should be.

Hon. Mr. SCOTT—In New Zealand the provision is that if any person who has been naturalized in Canada or any part of the British empire shall submit papers showing he is the person named in the said certificate of naturalization, and that the same has been obtained without fraud or intentional false statement, and so on, on taking that oath the government may issue naturalization papers.

Hon. Mr. DeBOUCHERVILLE—Will the hon. Secretary of State inform me where I

will find the clause in the Bill declaring that parties must remain here one year before being naturalized.

Hon. Mr. SCOTT—That is in our naturalization papers. Our naturalization papers require a three-years' residence.

Hon. Mr. DeBOUCHERVILLE—In the case of a foreigner, but not a British subject.

Hon. Mr. SCOTT—Well, we do not count persons who are naturalized in any colony of the empire. It appears under the law in the colony that the naturalization papers are only good within the colony. Naturalization papers issued in Canada are only good within Canada.

Hon. Mr. DeBOUCHERVILLE—I am asking where in this Bill that is before us is the clause which says that a British subject will be required to remain here one year before he is naturalized?

Hon. Mr. POWER—There is nothing of the kind there. There is no such provision here.

Hon. Mr. DeBOUCHERVILLE—I am asking the hon. Secretary of State.

Hon. Mr. SCOTT—There is no clause of that kind in the Bill.

Hon. Mr. CLORAN—Will the hon. Secretary of State answer me a question in regard to the Chinese? We have a statute preventing the importation of Chinese unless they pay $500 head tax. If the Chinese are naturalized in South Africa or in any of the British colonies, can they come in here and be relieved of the payment?

Hon. Mr. SCOTT—No, I should say not.

Hon. Mr. CLORAN—There is no provision in the Act about that. This is quite general.

Hon. Mr. SCOTT—But there are special laws affecting Chinamen. They could not come within this clause because they must pay a penalty of $500 to come in.

Hon. Mr. CLORAN—But would this clause not counteract and destroy the other one?

Hon. Mr. SCOTT—I think not.

Hon. Mr. POWER—It is perfectly clear they could not, because this applies to any person resident in Canada or in the service of the government of Canada, or in any province of Canada. A Chinaman could not be a resident of Canada until he pays the $500.

Hon. Mr. CLORAN—He comes in with the naturalization papers, and you could not keep him out.

Hon. Mr. SCOTT—He could not come in under the Act, because he must pay the $500.

Hon. Mr. LANDRY—What is the hurry with this Bill?

Hon. Mr. SCOTT—We are not in a hurry. We will take the second reading, and let it stand until to-morrow.

Hon. Mr. LANDRY—We have not the French copy.

Hon. Mr. SCOTT—I wanted to give my hon. friend an illustration——

Hon. Mr. LANDRY—I will give my hon. friend an illustration also. It is not to be sanctioned by the Governor General to-morrow or the day after. It is one of the Bills awaiting the sanction of the Crown.

Hon. Mr. SCOTT—Not necessarily. If there is opposition to it I will not press it. I move that the Order of the Day be discharged and placed on the Order of the Day to-morrow.

The motion was agreed to.

## COMMERCIAL TREATIES BILL.

### SECOND AND THIRD READING.

Hon. Mr. SCOTT moved the second reading of Bill (D) An Act to amend an Act respecting commercial treaties affecting Canada. He said: The treaty with France was made in 1894, and this Bill was passed in 1895. It referred only to countries that had enjoyed the treaty. This is simply to include countries which, since the passing of that Act, had made treaties. I think there are one or two treaties that should come in under that commercial treaty, and it is just to correct that. It is the introduction of the words 'may hereafer be' in the seventh line. It is a mere matter of form.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT—I move that Bill be read at length at the table.

Hon. Mr. POWER—There are two ways of reading a Bill the second time. The hon. gentleman proposes to read the Bill at the table, but the Bill has been already read a second time, and it has been declared that it was read the second time.

Hon. Mr. SCOTT—This is instead of going into committee.

Hon. Mr. POWER—I do not understand that our parliamentary procedure provides for any such practice as that of reading a Bill at length at the table after it has been read a second time. If the hon. gentleman had moved that the Bill be read a second time and be read at length, then he might dispense with the committee stage. I do not think, the Bill having been read a second time, and the clerk having declared that it was read a second time, there is any procedure that I am aware of under which you can read it at length. I think you have to go into committee on it, or drop the committee stage altogether.

Hon. Mr. De BOUCHERVILLE—There is no necessity of going into committee if the House is unanimous.

The SPEAKER—The hon. gentleman can move the third reading, or go into committee.

Hon. Mr. SCOTT—I move the suspension of rule 63, and that the Bill be now read a third time.

The motion was agreed to, and the Bill was read a third time and passed.

The Senate adjourned until 3 p.m. tomorrow.

## THE SENATE.

OTTAWA, Thursday, December 6, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### VACANCIES IN THE SENATE.

MOTION POSTPONED.

The Order of the Day being called :

By the Hon. Mr. LANDRY :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid on the table of the Senate copies of all letters received by any of the members of the government from applicants for appointment to the Senate to fill the seats made vacant by the lamented death of our late colleagues the Hon. Senators Dever, Wark, Black, Church, Vidal and Kerr, and the replies of the ministers thereto.

Hon. Mr. SCOTT. Stand.

Hon. Mr. LANDRY—I wish to call attention to the fact that I had put this motion as an order of the House, and it has been changed into an humble address. I think it should be in the nature of an order. Bourinot at page 359 explains the distinction between addresses and orders :—

I think this motion comes under the latter clause and should be made in order.

The motion was allowed to stand.

### REVISED STATUTES BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (B) An Act respecting the revised statutes, 1906, and to provide for the French version thereof. He said : In making this motion I desire to say to the House that it was held over yesterday at the instance of the hon. gentleman from DeSalaberry in order that he might consider and submit certain amendments that he proposed. Those amendments have been submitted, and I am prepared to accept them. In the third section of the Bill, after the words 'The Revised Statutes of Canada of 1906,' he proposes to interline the following: 'Being the roll mentioned in section 1 of III., Edward VII., Chap. 61.'

There is no objection to those words that I can see. Then the next change in the Bill will be the clause which refers entirely to the French version. It has already been mentioned to the House that what is proposed in section 10 has been done. I mentioned to the House that the translators are now busy preparing the French version and are making as rapid progress as possible. The clause as amended will read in this way :—

The Governor in Council may appoint two or more competent translators to revise the French version of the said revised statutes.

This is the interlineation :—

And the translators shall proceed as speedily as possible to make and complete such revision and report, &c.

Then in subsection 2, in the second line, it is proposed to substitute the word 'revision' for the word 'translation.' I see no difference, and there is no obection to that. The next change comes after the word 'to.' It reads in this way: 'To have superseded the French version of the roll mentioned in section 1 in the Act of Edward III., Chap. 61.' That is the one I read first. I see no objection to that. In my judgment probably it was not necessary, but it makes it more clear. Then between sections 15 and 16, the last two sections of the Bill, a section to be known as 16, reads in this way:

The preamble of the Act respecting the revised statutes of Edward VII., chap. 61,' shall be read as having included, and shall be deemed to have always included.

These are the words: 'And the revised statutes of 1886,' immediately after the word '1886' in lines 3 and 4. It is simply making the clause more clear, and does not change in the slightest the meaning of the clause, but it is a concession to those who have given the subject some thought, and there can be no possible objection to it because it in no way interferes with the spirit of the Act.

Hon. Mr. DeBOUCHERVILLE — Does the hon. Secretary of State think that we can accept those amendments without understanding them? The mere reading of them will not be sufficient. They should be printed and the third reading postponed until to-morrow.

Hon. Mr. SCOTT—The amendments are simply declaring in clearer language, out of deference to some gentlemen who think it is not clear enough, the intention of the Bill. It is not a departure from the Bill in any sense, but merely carrying out the intention which is that the French roll shall be on the same footing as the English roll. I am told that in a few days the French translators will have finished the written portion and it can be deposited as the French roll. Now, I am prepared to give every facility to that. The object is to place the French version on a par with the English version. Any delay until to-morrow means that the Bill cannot go to the House of Commons until Monday, and with the desire exhibited to-day to adjourn over the holidays, which I am anxious to meet, the sooner the Bill goes to the House of Commons the sooner it will be passed. I have heard that the House of Commons will put it through in one day.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman has read the amendments and had time to consider them; we have not. If the amendments are as simple as the hon. gentleman says they are, I do not see how they can overcome the objection of the hon. senator from Stadacona, that we are in reality passing a law which is in one language only and therefore cannot be sanctioned by the Governor General.

Hon. Mr. BEIQUE—It is only fair to the House and to myself that I should give some explanation of the amendments which I propose to move. After having done so, it will be time enough to consider the suggestion of the hon. senator from Montarville. As I was not yesterday in a position to defer to the demand of the leader of the opposition, when he asked me what was the object of the amendments I proposed to make, I thought it was but fair that I should apprise him before the House met this afternoon of the nature of the amendments I proposed to offer, and I have done so. The first amendment which I propose to move is in clause 3 of the Bill. It is merely for the purpose of identifying the revised statutes. There is nothing in the clause to identify the revised statutes. The revised statutes have never come into force and, therefore, it is better to add after the words '1906' the following: Being the roll mentioned in section 1 of the Act of 1903.' The object is to connect these revised statutes of 1906 as being the revised statutes referred to in the roll which was to be deposited, pursuant to the Act of 1903, Chap. 61. Then I propose to go on and strike out in the same section the word 'ratify' and leave the word 'confirm,' because it is an Act which has not become law.

Hon. Mr. POIRIER—You can only confirm what is already in existence. It is the same question.

Hon. Mr. BEIQUE—It is the roll. The roll is deposited in virtue of the Act of 1903, and it is the suggestion of the hon. Minister of Justice that the word 'confirm' would come in there very properly, and I think he is right.

Hon. Mr. POIRIER—I see the same objection to 'confirm' as to 'ratify.'

Hon. Mr. POWER—There is no objection to either—let it go.

Hon. Mr. BEIQUE—In Committee of the Whole, at the suggestion of the hon. senator from Halifax (Hon. Mr. Power), we struck out the words 'and to have had.' The hon. Minister of Justice thinks that these words should remain, because the statutes are always speaking for the past as well as for the future, and there can be no objection to the amendment.

Hon. Mr. POWER—Anything for a quiet life.

Hon. Mr. BEIQUE—Then as to section 10. I may state the nature of my objection to the clause as it was originally printed. Section 133 of the British North America Act, not the part of the section to which the hon. gentleman refers, but the first part of the section, provides as follows:

> Either the English or the French language may be used by any person in the debates of the Houses of the parliament of Canada and of the House of the legislature of Quebec ; and both those languages shall be used in the respective records and journals of those Houses.

These words are ample enough, but on turning to the French version you find that the words are still clearer. The words used are:

> Mais dans la rédaction des archives, procès-verbaux et journaux respectifs de ces chambres, l'usage de ces deux langues sera obligatorie.

Therefore, there is no question that the wording covers all the Bills. To comply with the British North America Act there has to be a French roll as well as an English roll. That roll need not be printed; it may be a manuscript roll, but the Act, if passed as it was originally printed, according to my contention, would not be a valid Act, because no French version of the roll would have been deposited. Therefore, I propose to move an amendment to clause 10 in order to comply fully with that section of the British North America Act. I have ascertained by communicating with the translators that the French version is about complete, that the only thing remaining to be revised is a part of the Criminal Act which can be completed within a week. Therefore, it can easily be completed in good time for the 1st January. What I propose is to change the wording of clause 10 in order to permit the French version being deposited as the French roll in the same way as the English roll is deposited with the clerks of the two Houses, and to merely provide for the revising of this French roll before it is printed in order to correct any mistakes which may have been made. There might be some objection to that course being followed if we were not dealing with the old law, and with laws which are to be found and which will remain to be found in the statutes which are in force. But we must bear in mind that the mission which was given to the commissioners was not a mission to make new laws, but merely to consolidate the statutes of this Dominion. They are not supposed to have made any new laws, and pending the printing of the French version any one who desires to consult the French version of the statutes can have recourse to the laws as they exist in the statute-books, though they are not in as concise a form as they will be hereafter when the consolidated statutes are issued in printed form.

Hon. Mr. LANDRY—That argument applies to the English version alone.

Hon. Mr. BEIQUE—Yes, but the English version is ready. I understand that 5,000 copies of the English version are printed and ready for distribution. Therefore I propose to amend clause 10 by striking out the words 'to translate' and insert instead 'to revise.'

Hon. Mr. LANDRY—Must those persons necessarily be translators?

Hon. Mr. BEIQUE—Yes, necessarily, because to make the two versions agree they have to be translators. The amendment is to substitute 'revision' for 'translation.' Then in the second paragraph I propose to strike out the word 'translation' and substitute for it the word 'revision.' After the word 'to' add the following words: 'To have superseded the French version of the roll mentioned in section 1 of the Act 3 Edward VII., chap. 61, and being the authentic original French version, &c.'

Hon. Mr. CHOQUETTE—Would the hon. gentleman allow me to ask a question? Does he not think it would be much better to

defer the consideration of this Bill until to-morrow?

Hon. Mr. BEIQUE—I am dealing with all the amendments for the sake of consecutiveness. The meaning of this amendment is that there must be a roll before the Act comes into force, a French roll as well as an English roll, but it provides for machinery so that revision is made of that French roll, and when the revision is made it supersedes and takes the place of the roll which shall have been deposited in the meantime. Then I propose to suggest that there be a further amendment by adding a new clause, which will be numbered 16, and making clause 16 No. 17.

Hon. Mr. POWER—Better put it in after clause 13.

Hon. Mr. BEIQUE—Yes, it would come after clause 13. The reason for inserting the new clause is this: When the statute of 1903 was passed, respecting the revision of the statutes of Canada, our omission was made. It provided for the revision of all statutes subsequent to the enactment of the revised statutes of 1886, but it omitted to include the revised sattutes of 1886. Therefore if we were to leave the Bill as it was presented, we might be without them. They were intended to be incorporated in the new revision. The revised statutes of 1886 have been incorporated; otherwise they would not have been repealed and their incorporation in the new revised statutes would have been questionable as to whether they really form a part of the law or not. The preamble in the Act of 1903, Chap. 61, reads as follows:

Whereas it has been found expedient to revise, classify and consolidate the public general statutes of Canada passed since the date of the revised statutes of Canada, 1886, and whereas such classification.

You will notice that it limited the revision to the statutes passed subsequently to the revised statutes 1886, not including the statutes of 1886. Therefore, I propose to suggest that clause 14 read as follows:

The preamble of the Act respecting the revised statutes of Canada, chap. 61, shall be read as having included, and shall have been deemed to have always included, the words 'and the revised statutes of 1886,' immediately after the words 'of 1886' in line 3 and 4 thereof.

This amendment merely has the effect of amending the preamble of the Act, 1883, so that it will be deemed to read as follows:

Whereas it has been found expedient to revise, classify and consolidate the public general statutes of Canada, passed since the date of the revised statutes of Canada, 1886, and the revised statutes of 1886.

These are the only explanations I desire to make. I would have suggested further that the title be changed, that instead of saying that the title shall read 'this Act may be cited as the revised statutes of Canada, 1906,' that it be made to read '1907,' as it is coming into force in 1907, but on turning to these English statutes, the English version which has been printed, I find that they bear the date of 1906, and, therefore, it had better remain that way. These are the only explanations I am ready to make, and now I am ready to answer questions.

Hon. Mr. CHOQUETTE—I wish to ask the hon. gentleman, in view of the very interesting explanation which he has given the House of his amendments, would it not be better to postpone the third reading until to-morrow so that we can have these amendments printed and be able to discuss them, and see if the statutes of 1903 are absolutely in accord with them? Because, after having heard the hon. gentleman make his explanation, I am very strongly of the opinion that these amendments do not improve the Bill and do not remove the objections which were urged against it. I think it is really impossible, at least for me, to accept the third reading of the Bill with the explanation, though very interesting and very clear, that the hon. gentleman has given us. I was going to suggest that the hon. gentleman should postpone the third reading until to-morrow in order that the amendments may be printed and we may have time to study them. If we are here to do legislative work we ought to do it correctly and properly. It is impossible for me to follow perfectly the explanation which has been given. Although I have taken some notes of the amendments he has proposed, I cannot follow this Bill and refer to the statutes to see if the amendments are proper ones. I have the greatest confidence in the hon. gentleman's judgment and capacity, but

it seems to me that it will be requiring too much of us to ask us to permit the third reading to-day, and to accept as proper all the amendments the hon. gentleman has suggested.

Hon. Mr. BEIQUE—I propose to move that the Bill instead of being read a third time presently, be recommitted to a Committee of the Whole House, and then the hon. gentleman and other members will have an opportunity of discussing it and ascertaining whether there can be any doubt if the objections are removed. I have conferred with the Minister of Justice, and I may say that he entirely approves of the amendments, and he is satisfied that they are proper. I move in amendment that the Bill be not now read a third time, but that it be recommitted to a Committee of the Whole House.

Hon. Mr. LANDRY—I must ask the hon. gentleman, supposing the Bill is amended on the lines he has just suggested, if it will come into force on the 1st January, 1907 ?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LANDRY—Supposing that on the 1st of January, 1907, the roll spoken of in section 10, is not ready?

Hon. Mr. BEIQUE—Then it cannot come into force.

Hon. Mr. LANDRY—It does not do so. The law says the Governor in Council may appoint two or more competent translators to revise the French version of the said revised statutes, and the translators shall proceed as speedily as possible to make and complete such revision, and report the same to the Governor in Council. The Governor in Council shall thereupon cause a printed roll of the revision so made and reported, attested under the signature of the Governor, and so on. I suppose all that is done after the 1st of January.

Hon. Mr. BEIQUE—The hon. gentleman is confusing the revised roll with the roll which will be ready to be deposited in eight days. What is absolutely necessary is that the roll be deposited containing the French version. This roll can be deposited, and must of necessity be deposited. The Bill, as I propose to have it amended, 'cannot come into force until this has been done. The roll will be ready in eight days. It will be a temporary roll, and will be superseded by the final roll when all the revision has been made.

Hon. Mr. LANDRY—That is just the question that we are discussing. We do not want a temporary roll. We want to be on the same footing as the English roll. Their roll ends there. It is not revised. The Governor accepts it, and for the purposes of the law it is the roll. The French copy is not the roll. It will be a sort of modus vivendi for the time being, and when it will be ready in five or six months we will have the real roll and the trick will be played.

Hon. Mr. BEIQUE—Will my hon. friend allow me to draw his attention to the explanations which have been given by the hon. Secretary of State with closed doors, which are very appropriate. The explanation is this, that because of the necessity, on account of two languages being used, that the publication of one or the other version—here it is the French version; in Quebec it is the English version—has to be deferred. In practice it is an impossibility that the two printed versions should be distributed at the same time.

Hon. Mr. LANDRY—I contest that.

Hon. Mr. BEIQUE—Can it be argued that in practice the French statutes are ready as early as the English statutes ? They are not ready. One is made before the other, invariably, and the hon. gentleman has not complained of that in the past. Invariably the French statutes are published three or four months after the English version. It will be the case in this instance as in ordinary instances, and I do not see any objection. For the present my motion is merely to have the Bill re-committed to Committee of the Whole, and then this question may be discussed, and possibly the Committee of the Whole may rise and merely report progress.

Hon. Mr. CHOQUETTE—I should prefer that course rather than take the third reading now, but I maintain that it would be better to have the amendments printed and postpone the third reading until to-morrow, and we could put it through in a few

minutes. If we go into committee on the amendments, we have to send for the statutes and refer to the explanation which is given. I should like to have before me to-morrow, while studying these amendments, the explanations that the hon. gentleman has given. I have not them. I cannot remember all that he said. Perhaps in reading the amendments I will come to the conclusion that he was right and I was wrong, and, in view of his great experience and judgment, I am quite willing to abide by his decision to a great extent; but I should like to have his statement before me; so that, although I think his suggestion is better than nothing, I should prefer that the whole matter be taken up to-morrow. Under the circumstances, I think we will perhaps save time and pass the Bill sooner if we postpone it until tomorrow. I am very anxious to help the government in this matter, and I would suggest in view of the fact that the French version will be ready in 10 or 15 days, and that both versions of the statutes will be ready before the 20th of this month, that it would be better to pass a statute to provide that the revised statutes shall come into force by proclamation. If the two versions are ready before the end of the month, they can be put in force on the 1st of January. It seems to me if we can agree on that point the whole difficulty can be settled. The hon. gentleman from DeSalaberry stated that on inquiry in proper quarters he learned that the French version will be ready very soon, while the English version is ready and 5,000 copies are printed. If the government is anxious to have the statutes ready by the 1st of January, what harm can there be in saying that they shall go into force by proclamation?

Hon. Mr. SCOTT—The hon. gentleman's suggestion is quite impracticable, for this reason; you will be tieing up the House of Commons. The House of Commons will desire to adjourn long before that period. I heard to-day that the feeling among the members of the other Chamber was to adjourn very soon, and they propose to have a considerable adjournment. We should not so determine business here that we shall tie their hands. Besides the changes made in this Bill are only of a character that the original Bill was supposed to convey. It was supposed to really contain the views that have been expressed by the hon. gentleman from DeSalabery, but I said if they could make it more clear I was willing it should be done. I hope no further opposition will be offered, because hon. gentlemen will see how anxious the House is to finish the work. If we do not pass the Bill to-day it cannot go the House of Commons until Monday.

Hon. Mr. LANDRY—Does the government accept the suggestion ?

Hon. Mr. SCOTT—Accept what?

Hon. Mr. LANDRY—The Bill is no longer a government Bill. I ask if the government accept that procedure ?

Hon. Mr. SCOTT—I stated in the beginning that I accepted the amendments proposed by the hon. gentleman.

Hon. Mr. LOUGHEED—Did I understand the hon. gentleman to move the third reading of the Bill as amended ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Then it is entirely unnecessary to go into committee.

Hon. Mr. SCOTT—I should prefer not to go into committee, only I understand it is the unanimous feeling of the House that the Bill be read the third time to-day. It is only on the understanding that I consent.

Hon. Mr. POWER—As to the matter of procedure: the hon. Secretary of State said he had no objection to the amendments suggested by the hon. member from De Salabery, but that statement did not put the amendments into the Bill. The House had to go through the regular form to do it, and the more convenient way was to go into committee. To make several amendments to a Bill at the third reading is an awkward thing it is better that it should be done in committee.

The motion was agreed to and the House resolved itself into a Committee of the Whole on the Bill.

(In the Committee).

Hon. Mr. LANDRY—I move that the following clause be added to the Bill.

This Act shall come into force on the 1st day of January, 1907, if the final revision of the French roll has taken place, and if not, upon proclamation of the Governor General in Council after such revision has taken place.

Hon. Mr. SCOTT—I think my hon. friend had better not complicate it with that revision. It is impracticable. I hope no more amendments will be proposed, because it is quite impossible to accept them. That amendment is simply misleading, because it is absolutely impossible that the French edition can be ready by the 1st January.

Hon. Mr. LANDRY—To what do all the amendments proposed now amount ?

Hon. Mr. SCOTT—That is with regard to the roll.

Hon. Mr. LANDRY—If the hon. member from DeSalaberry wants to do justice to the French version, let him say so.

Hon. Mr. SCOTT—I am most anxious to get the French version through as rapidly as possible. We have put on an additional French translator and I have instructed the Bureau to hasten it as rapidly as possible. The amendment is misleading; it cannot be done; it will only be misleading the public.

Hon. Mr. LANDRY—I do not think it is misleading. It is very clear.

Hon. Mr. FERGUSON—I understood the hon. member from DeSalaberry to say in answer to my hon. friend from Stadacona that if the roll was not recorded at the time, then the Act would not go into force. The amendment of my hon. friend is only carrying out that and making it clear.

Hon. Mr. POWER—There is this difference : the official French version will be filed and duly certified by the Governor General before the 1st January, but the French version will not be quite ready for distribution then.

Hon. Mr. LANDRY—Not only will it not be ready for distribution, but it will not be revised.

Hon. Mr. POWER—That is a very strange thing to me. I gathered that the gentlemen who have been engaged in the work of revising the French version would have their work completed in about eight days.

Hon. Mr. BEIQUE—The hon. gentleman misunderstood me.

Hon. Mr. LANDRY.

Hon. Mr. POWER—Excuse me, it was not the hon. gentleman from DeSalabery that I heard say that, but another hon. gentleman. Looking at it from the point of view of the business of the country, this revision of the statutes has been delayed much longer than it should have been. All over the country the people who have to do with the statutes, professional men more particularly, are most anxious that these revised statutes should be made available, and, further, during the present session nearly every Act, whether a public or a private Act, which is passed will contain a reference to the revised statutes, and the reference must be to the statutes which are to go into operation on the 1st January. I appeal, therefore, to hon. gentlemen to let it go and let us make some progress with this very important work, a work which interests the public so very much. Let us get it through, and if in the House of Commons they think more amendments are necessary let them make the amendments.

Hon. Mr. BEIQUE—Let there be no mistake about the question which is now before the chair. I stated that my information is to this effect, that the translation can be completed within eight days. I have reason to believe that it is being done by a competent man. I know him personally, and I would be very much mistaken if it was not well done, but we who represent the French population, and everybody in this country, are all interested in taking additional precautions for a work of this magnitude and importance, therefore it is only appropriate that we make sure that this French version is properly revised. I do not believe that the government will go as far as appointing two translators for the purpose; I think that it can be done very quickly, but that is outside of the question. A revision of this magnitude cannot be done between now and the 1st January. It may take until the 1st February or the middle of February, but it is a delay of no consequence, in my judgment. It is a delay which occurs in the distribution from year to year, in pratice, in the distribution of the French version of the statutes as of necessity, and it is only for the purpose of making sure that the text will be the best text pos-

sible that I have amended the clause in order to provide for this revision, and exact at the same time that before the 1st January, as a necessary condition of the law going into force, that the French version be deposited with the clerk of the House, subject only to those corrections, if any should be necessary between this and the 1st February, or the 1st March, or whatever time may be required.

Hon. Mr. CHOQUETTE—I am really surprised to hear the hon. gentleman always making this error. There is a great distinction between the passing of a law and the proclamation of that law in the statutes generally. I do not object to delay in publishing the law, but I do object to passing a law which is not completed in every respect according to the constitution and put on the records. My hon. friend says that the French version may be completed in 8 or 10 days. If it is completed, there can be no objection to saying that the law shall come into force by proclamation; but he says it may not be ready for months. How can we pass into law something which is not completed? Supposing the translation is wrong, and we have to revise the work itself, we would have a law passed here and sanctioned before hand which would be bad. I object to that. If the motion is to the effect that the law come into force only after the revision is completed, I am in favour of that motion. If it can be translated and revised before the 1st of January, I am quite willing to have it put in force before the 1st of January; but if we are not sure that not only the translation but the revision will be completed, I strongly object to putting the statutes in force until they are completed. For this reason I favour the motion and shall support it, to the effect that this law come into force by proclamation or otherwise only after the revision is completed.

Hon. Mr. BEIQUE—The hon. gentleman is losing sight of clause 7 of the present Bill, which reads as follows :

7. The said revised statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said revised statutes are substituted.

Therefore, under this wording, as in all consolidations of statutes, we are not really enacting any new law; we are merely providing a convenient means of dealing with the laws as they exist, and, I repeat, if it was a new law I would side with the hon. gentleman. However, this is really a consolidation of the law; therefore, we have to suit the convenience of the country at large, and if the English edition of the statutes is ready to be distributed, I think it will be suiting the convenience of the French as well as the English population to let the distribution take place, because it may take 15 days or a month to ensure the French version being perfect. I prefer that delay rather than the French version being imperfect, although its imperfection cannot have the effect of changing the law. The law must remain as it is in the statutes passed from year to year. We must be governed by the law as contained in our statutes on the statute-book. It is not a new law we are dealing with, but merely a consolidation of the laws.

Hon. Mr. POIRIER—I do not doubt that the gentlemen who have been appointed to translate the laws are fit and competent, but my information goes to this extent, that the French version cannot be ready by the 1st of January. True the laws are translated. That is an easy matter, because all that was necessary to be done after all, was to take the old laws which are already translated; but the revision which makes these new laws distinct from the old laws, is not ready and cannot be ready by the 1st of January. Whether I am right or wrong I do not know, but I have so been informed, and I wish to tell the leader of the government about it.

Hon. Mr. DAVID—How does the hon. gentleman reconcile his amendments with the amendment which has been adopted? According to the amendment moved by the hon. gentleman from Stadacona the roll will not be sufficient, but it will be necessary to have a revision.

The CHAIRMAN—I called the question, and nobody said 'content' and I declared it lost.

Hon. Mr. LANDRY—We are not entitled to be taken by surprise. The hon. gentle-

man from Montarville proposes a series of amendments to the effect that a provisional roll shall be so placed in the hands of the clerk of parliament, and when that provisional roll shall be placed there, then the law can be assented to on the 1st of January.

Hon. Mr. DAVID—That amendment was carried.

Hon. Mr. LANDRY—Yes; I proposed another amendment saying that the law shall come into force not when the provisional roll will be assented to, but when the final revision of that roll shall be completed.

Hon. Mr. POWER—I rise to a question of order. I heard the chairman put the question. I heard one gentleman say 'content' and I heard several say 'non-content,' and the hon. chairman declared that the non-contents had it, and any discussion after that is altogether out of order.

Hon. Mr. BEIQUE—I was going to raise the question of order. The amendment of the hon. gentleman is not in order because it is in conflict with clause 10 as amended.

Hon. Mr. LANDRY—Not at all. It is adding to the law and not taking out of the law.

Hon. Mr. ELLIS, from the committee, reported the Bill with amendments.

Hon. Mr. SCOTT moved concurrence in the amendments.

Hon. Mr. LANDRY—I object. Rule 24 reads :

> One day's notice must be given of any of the following motions :
> For the consideration of substantial amendments made in a public Bill in committee of the whole.

I suppose the first thing to do is to have those amendments considered.

Hon. Mr. SCOTT—I think the hon. gentleman is astray in that. I consented to the House going into committee on the distinct understanding that the Bill was to be read a third time forthwith. Otherwise we would not have gone into committee.

Hon. Mr. LANDRY—I do not care what the hon. gentleman may say. We are here in opposition. We are opposed to what the hon. gentleman says and we are just insisting on our right.

Hon. Mr. POWER—I do not think there is any deadlock. This House, as a rule, is not in the habit of being discourteous, and in the present instance the Bill stood for its third reading. The Bill had been reported from the Committee of the Whole with one or two amendments. These amendments had been concurred in and the Bill stood for a third reading. The hon. Secretary of State proposed to move that the Bill be amended on the third reading, as he had a perfect right to do, and then at the suggestion of the hon. gentleman from De Salaberry it was thought it would be more convenient to consider these amendments in Committee of the Whole. We went into committee and the amendents are now just in the same position as they would have been if the other course had been taken. They are the same amendments which the hon. senator said he would move at the third reading. The House does not want, by a sort of trick, to place the leader of the government in the position of not being able to do what he had a perfect right to do. As a matter of convenience we went into committee on these amendments instead of moving them directly at the third reading; and because the hon. Secretary of State was courteous enough to give way, and particularly as the hon. Secretary of State spoke of that and stipulated that he was not to lose the right to move the third reading. he should not be prejudiced. Although we may have parliamentary rules, still they are subject the rules of good faith and understandings between members of the House.

Hon. Mr. BEIQUE—The hon. gentleman might move his amendment in amendment to the motion for third reading.

Hon. Mr. LANDRY—No. I raise the point. I claim that under rule 24, clause B, the third reading cannot be taken now.

The SPEAKER—The point of order would be well taken if the House had not resolved itself into Committee of the Whole for convenience sake, and by a general understanding. The hon. leader of the government declared that he consented to go into Committee of the Whole House provided he could take the third reading today, and it was simply for the sake of convenience that he went into committee.

Therefore, under these circumstances, I think the point of order is not well taken.

Hon. Mr. LANDRY—I raise another point of order. The Bill has been amended. A stage has been taken, and I claim a third reading cannot take place.

Hon. Mr. KERR—The same point.

Hon. Mr. POWER—The first question was on the adoption of the report by the committee.

The SPEAKER—The motion is concurrence in the amendments.

Hon. Mr. LANDRY—I move in amendment that the Bill be recommitted to the Committee of the Whole House with instructions to insert after clause 15 the following words :

After the final revision of the French roll has taken place, and after any proclamation by the Governor General in Council, given after such revision has taken place

The House divided on the amendment, which was lost on the following division :

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The motion for concurrence in the amendments was carried on division.

The Bill was then read the third time and passed.

## NATURALIZATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (A) An Act to amend the Naturalization Act. He said : I explained this Bill on the first reading, and also on the second reading yesterday when it was stopped. It is for the purpose of enabling persons who have been naturalized in other parts of the British empire outside of the United Kingdom, when they come to Canada, to give them the advantage of the time that they spent in other parts of the empire. It arises in this way; a settler came the other day, as I gave the illustration yesterday, and took land in the Northwest. Under the homestead law he was obliged to take the oath of allegiance, and the Department of Justice held that although he was naturalized outside of Canada, he would have to be naturalized again, and that our law required he should reside three years in Canada. It is to do away with the necessity of that, that this law is proposed. In New Zealand they have already adopted a law similar to the one we propose; that is, that a residence in another part of the empire should count if a party wishes to be naturalized in a British colony. It has also been adopted in some of the provinces of Australia. There is no objection to the Bill I believe.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned until 3 p.m. tomorrow.

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## THE SENATE.

OTTAWA, Friday, December 7, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (F) An Act to amend the Conciliation Act, 1900.—(Mr. McMullen).

## VACANCIES IN THE SENATE.

### MOTION.

Hon. Mr. LANDRY moved

That an order of the Senate do issue calling for copies of all letters received by any of the members of the government from applicants for apointment to the Senate to fill the seats made vacant by the lamented death of our late colleagues, the hon. senators Dever, Wark, Black, Church, Vidal and Kerr, and the replies of the ministers thereto.

Hon. Mr. SCOTT—There are no letters on file on the subject.

Hon. Mr. LANDRY—I suppose the hon. minister is answering only for himself ?

Hon. Mr. SCOTT—No, I am answering for the government.

Hon. Mr. LANDRY—Oh, oh. Where are they on file ?

Hon. Mr. SCOTT—We never put confidential letters on file.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State is in error when he says no confidential letters were put on file. If the hon. gentleman will look at the records he will find he brought down a number of them when he first came into office.

Hon. Mr. LOUGHEED—They know better now.

Hon. Mr. SCOTT—They should not be there. Whenever the matter has come before me, I have given orders, no matter who the letters were from, to remove confidential letters from the file. They ought never to go on file.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should be a little more particular with some of his colleagues. I know of a minister, in former days, who pursued the same course precisely ; consequently when returns were made, confidential letters did not appear in the returns that were not pertinent to the subject asked about. But the hon. gentleman and the leader of the opposition, know very well how they used to chastise a former government for not filling vacancies for a long time, and I have a distinct recollection of a very severe castigation that I received myself from the hon. gentleman who now occupies the position of Minister of Trade and Commerce for having written a letter to a gentleman who simply wrote me asking whether he had been an applicant for a senatorship. My reply was that he had not been an applicant so far as I knew, but I frankly admit now that I improperly stated that the vacancy that existed had been promised to another. My hon. friend who sits opposite me took very serious objection to that and also to the course pursued by the government of not filling vacancies. Now am I incorrect in stating that rumors have prevailed, particularly in the city in which I live, that the hon. gentleman himself has made promises to a certain gentleman who is an applicant for the office, and the promise made, as I understand it, through the political organizer of the present party, on behalf of the Minister of Trade and Commerce and of his chief, the Premier of the Dominion, was to the effect that this gentleman should have one of the first three vacancies that occurred.

Now, there have been some eight or ten vacancies in the province of Ontario since that letter, if written, was sent or given to this gentleman. I have not seen the letter myself; I am not speaking from personal knowledge, but merely stating I have been so informed by those who are interested in the matter. If it was a heinous crime on my part to make the statement I did, how much greater was the crime of the hon. gentleman opposite in making a positive promise, if made as alleged to have been made, that this gentleman should have one of the first three vacancies that might occur, and seven or eight have occurred since and the promise not fulfilled? I am not speaking authoritatively on this question, but my information is of such a character I feel that I am justified in putting the question plainly as I am doing to my hon. friend. It is possible that the government are unable to make a selection from the numerous applicants for senatorships vacant in the different provinces, Ontario, Quebec and New Brunswick? One has been vacant for over two years. There are two vacancies in Nova Scotia. I am not surprised that the government have been unable to fill these latter, because the hon. Secretary of State told us, when this subject was under discussion before, that it was difficult to find gentlemen in Nova Scotia to fill those positions. From what I have learned about the other provinces, however, the applications are very numerous. I noticed in the Ottawa correspondence of the

'Globe' yesterday or the day before four or five names were mentioned, and I suppose the correspondent speaks by the book, as he represents the semi-official or direct organ of the government. Among those to whom he called attention was Geo. W. Ross, late premier of the province of Ontario. Could the hon. gentleman tell us whether Mr. Ross is to be one of our colleagues? One of the others mentioned is Mr. Beith, a very respectable gentleman who was formerly a member of the other House, and Mr. John Charleton, a gentleman of long parliamentary experience. Then there is a Mr. McDonald, but there are so many McDonalds I can only surmise to whom it refers. I presume it is the late deputy speaker of the House of Commons. I could mention other names, but I am only giving those that appear in the 'Globe' correspondence. I am particularly anxious to know whether the promise, if made, to the Bay of Quinte Boy, is to receive recognition at present. The frankness with which questions are usually answered by the hon. Minister of Trade and Comerce, leads me to expect a direct answer which will satisfy not only myself, but the gentleman who is so anxious to be given a seat in the Senate.

Hon. Sir RICHARD CARTWRIGHT—I am obliged to the hon. gentleman for the interest he takes in the question of who the government will appoint to the Senate. I may remark to him I can remember a time, not perhaps so much under his own premiership as under the premiership of his former leaders, when he was not at all so anxious to fill vacancies in the Senate with as great promptitude as he is at present. I think I can recollect when there were eight or nine vacancies in the Senate, some of which had been of much longer standing than the vacancies now existing. The hon. gentleman, from his experience, is aware of the extreme danger of putting any credence in the various rumours which are always floating about as to what promises may have been made, of what letters may have been written or anything of that kind. When he produces letters, we will be prepared to consider them, and see what may have been said or done in any given case. As to the Ontario vacancies, he is aware that they have only existed for a matter of two or three weeks. The other vacancies may have been longer. In a general way I may say to the hon. gentleman that the present government have so high an idea of the Senate, and of the qualifications necessary to enable a man to hold a position here, that they think it is a matter which requires the maturest care and consideration and deliberation before they make an appointment, and they are now giving it such consideration.

Hon. Mr. LOUGHEED—I should like to ask my hon. friend if the suggestions which be made last session with reference to appointments being acceptable to both sides of the Senate are about to be put into operation, inasmuch as I find that various applications are being made to Conservative senators with reference to senatorial appointment? I should like to know if that is being done advisedly with a view to those appointments being acceptable to both sides of the House?

Hon. Sir RICHARD CARTWRIGHT—I might say to my hon. friend that my own views, which I took very good care to state, were strictly individual views and not given as a member of the government, but as a member of the Senate, have not altered at all as to the desirability of carrying out that principle; but I may also remind him that those views, which were tentatively submitted had not the happiness to meet with universal approbation on both sides of the House, either from his friends or from my friends. There seemed to be rather a strong disposition that we had better let well enough along. However, I have not altered my mind, and if it is any consolation to the hon. gentleman to know, I am in hopes at a reasonably future time of seeing my ideas prevail, but I do not think even my hon. friend himself jumped at the suggestion as I should have wished him to do, and I would hope from what he has seen he would be disposed to do.

Hon. Sir MACKENZIE BOWELL—May I be permitted to thank the hon. Minister of Trade and Commerce for the lucid and distinct manner in which he answered my question, that is that he will deal with the letter when I produce it. I think I can tell him by and by—not just now—more about the letter than I have mentioned to the House.

Hon. Mr. KERR—It would be interesting to the Senate also to know all the particulars of those applications which have been made to the leader of the opposition, and Conservative members. The names of those applicants will be interesting, and, no doubt, useful to those who would have to give the subject consideration. Perhaps he would be good enough to state to the Senate the names of those who have been applying to him and other members of the opposition. It would be interesting, and might be useful to the members of the government to have those names under consideration.

Hon. Mr. LOUGHEED—I think hon. senators on this side of the House would have no objection to divulging that information if we received an assurance from the government that proper consideration would be given to the recommendations we make.

Hon. Sir RICHARD CARTWRIGHT—Certainly, consideration will be given, if the hon. gentleman will forward them.

The motion was withdrawn.

## THE PUBLIC BUILDINGS AT GLACE BAY.

### MOTION.

Hon. Mr. McDONALD (C.B.) moved

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate copies of all correspondence respecting a site or sites for a public building in the town of Glace Bay, Nova Scotia, between any member of the government and all other parties; the area of the sites, the price of each, the date of the purchase, the date of each payment, the name of the seller of each site, the report or reports of the government engineer, showing lots recommended and those not recommended by him, and all notes or memoranda referring to said sites.

He said: I am glad to learn that the government have decided to erect a public building in the town of Glace Bay. The people of that town claim that it is the largest town in Canada which is without a public building. The place which is used as a post office in Glace Bay, is a building about 20 by 30, and only 12 x 30 of that building is used for a post office. A room of that size is too small for a post office in a town containing an estimated population of 17,000. I find that the revenues arising from the post office in that town for the year ending June 30, 1905, amounted to a very large sum. It stood third in the province, next to Halifax and Sydney.

The post office orders for that town amounted for that year to $117,149, leading every town in the province except Halifax and Sydney. In other revenues it stood third in the provinces; in money orders it stood third in the province and is constantly increasing. Now, I think the government could not have been properly posted or I am very sure they would not have delayed the erection of a public building in a town of that importance, and if they have been misled in anyway with regard to that I hope they will not delay putting up a building in that town. Three years ago a sum of money was voted to erect a public building there. Two years ago another sum was voted, and this year another sum has been placed in the estimates for the purposes of a public building. It is said that the site for that public building was purchased in that town about two years ago. I wish to state that there is something wrong in connection with this. It is said that the government sent an engineer to report upon a site in that town, and it is to be presumed that on the report of that engineer the site has been purchased. It is well known in Glace Bay that the site for the public building in that town had been agreed upon, decided upon and purchased before the government engineer went there at all to report upon the site, and that it was simply deceiving the people. I am sure the government is not guilty of that, but they act on reports made to them on that point, and therefore they are responsible. They should guard themselves against any misrepresentations in that respect. A site for the building was bought; it turned out to be too small. When it was bought, and I do not want to introduce politics into this matter, but there is nothing like the truth—it was bought from a leading Conservative and immediately, on the purchase being made from him he became a good Liberal. I do not say that he is a good Liberal to-day. Then it was discovered that the site was too small although it was 60 feet by 100 feet, and this year they decided to buy another lot alongside to the east of it. In connection with that lot, I wish to say that it was bought a few days before it was purchased by the government, by a supporter of the government, who must have

known that the government was going to purchase it—the representative of the government must have known it, for the man who held the site was offering it in the town of Glace Bay—offered to myself— for $3,500. The representatives of the government down there must have known that the site was for sale at that figure. Everybody knew that it was offered for $3,500. It was bought by a gentleman in that town who was a well-known supporter of the government, and the next day or a few days afterwards he sold it to the government, if he had not already sold it to them before he purchased it, which I believe he did. I think the understanding was that the government would buy it from him before he got the title. If an investigation is made that can be proven. However, after he got the title he sold it for $1,499 in advance of the price he paid for it. I think that is wrong, and the government has been misled. This is a rake-off. I do not believe any member of the government would consent to do a thing like that if they had known the facts. I make this statement so that the people who know these facts in the town of Glace Bay may see that I have laid the matter before the Senate. If the hon. leader of the Senate will be good enough to give me some additional information, which they have in the department, in connection with the matter I shall be very much obliged. What I desire is the statement from the engineer of the department giving the number of lots reported upon and the price of each lot. That is all the additional information I wish to obtain.

Hon. Mr. SCOTT—Does the hon. gentleman know the name of he engineer?

Hon. Mr. McDONALD (C.B.)—I do not.

Hon. Mr. SCOTT—There is no objection to the motion. The facts are all new to me. I never heard of them before. I gave the answer which was placed on the paper a few days ago. The price paid for the lot was $4,999.

The motion was agreed to.

## JOINT LIBRARIANS OF PARLIAMENT.

### REPORT ADOPTED.

Hon. Mr. POWER moved the adoption of the report of the Joint Librarians of Parliament. He said: This report will be found at page 58 of our minutes. It does not contain anything which I think calls for the action of the House. It is simply a statement of things that have been done, and it gives a statement classified by subjects of the books added to the library since 1903.

Hon. Sir MACKENZIE BOWELL—It was intimated to the House a day or two ago by the hon. senator from St. John that the name of the gentleman appointed chairman of the committee should accompany the first report.

Hon. Mr. POWER—I might say, for the information of the hon. gentleman from Belleville, that inasmuch as the committee on the Library have not met yet, we are not in a position to name the chairman; but the uniform practice has been that the Speakers of the two Houses occupy the position alternately. My recollection is that last year the Speaker of the Commons was chairman, so that this year our own Speaker will be chairman of the committee.

Hon. Sir MACKENZIE BOWELL—That opens this question; this motion is for consideration of a report from the joint committee, and how could they report if the committee had not met?

Hon. Mr. POWER—It is the report of the librarians.

Hon. Mr. SULLIVAN—Is this the only report made by the librarians for the year? Is this all that issues from the committee of librarians, which we see here?

Hon. Mr. POWER—This is just the report of the joint librarians, of what has happened during the recess of parliament.

Hon. Mr. SULLIVAN—Is there a report published by one or moth librarians and submitted to parliament yearly? I never saw one.

Hon. Mr. POWER—It is at page 58.

Hon. Mr. SULLIVAN—That is no report.

The motion was agreed to.

## NATURALIZATION ACT AMENDMENT BILL.

### THIRD READING.

The House resolved itself into a committee of the whole on Bill (A) An Act to amend the Naturalization Act.

(In the Committee.)

On clause 2,

Hon. Mr. DAVIS—Is it necessary for a person who has been naturalized in any portion of the British Empire to become naturalized in Canada ?

Hon. Mr. SCOTT—Yes. Under our law, a person who has been naturalized in any other part of the empire must be naturalized again here. Our law is confined to Canada as laws of the other colonies are confined to those colonies. They are now making a change. New Zealand and Australia are allowing residence in any other British colony to count. If a party goes into New Zealand or Australia, the time he may have lived in another colony will count as part of the 3 years.

The clause was adopted.

On the schedule.

Hon. Mr. POWER—There is an error in form 3 in the schedule, and there are two slight errors in form 4 in the schedule. These errors have occurred in this way I think ; that the Bill as originally drawn up had no short title, and the references in these forms were made to the clauses in the Bill as originally drafted. After the drafting of the Bill clause 1, the short title, was put in, and the consequence is that the references are to section 2, where it should be section 3, and to section 3 where it should be section 4. If the hon. chairman will look at about the middle of of form 3, he will find the words 'prescribed by section 2 of the Naturalization Amendment Act, 1907.' That is this Bill. We find nothing about this matter in section 2, but it appears in section 3. I move that the figure 3 be substituted for the figure 2.

The amendment was adopted.

Hon. Mr. POWER—In form 4 the same amendment is required. It reads 'prescribed by the second section of the Naturalization Amendment Act, 1907.' It should be third section. I move that the word third be substituted for the word second, and that in the eighth line the word fourth be substituted for third.

The amendment was adopted.

Hon. Mr. WOOD—From the committee reported the Bill with amendments which were concurred in.

The Bill was then read the third time and passed.

The Senate adjourned till Wednesday, January 16, at 8 p.m.

## THE SENATE.

OTTAWA, Wednesday, January 16, 1907.

The SPEAKER took the chair at eight o'clock, p.m.

Prayers and routine proceedings.

### NEW SENATORS.

Hon. John Costigan and the Hon. Geo. W. Ross.

### TENDERS FOR SLEEPERS ON TRANSCONTINENTAL RAILWAY.

MOTION.

Hon. Mr. LANDRY inquired:

1. Have the commissioners of the Transcontinental Railway asked for tenders for the supply of sleepers for any part whatsoever of the Transcontinental Railway ?
2. Who are the tenderers ?
3. What are the prices asked by each of them?
4. Who obtained the contract?
5. At what price and for what quantity ?
6. Has the contractor begun the execution of his contract ?
7. What quantity has he delivered up to this date?
9. To whom and at what place?
10. What amount of money has he received in payment ?

Hon. Mr. SCOTT—The Department of Railways informs me that the information is too voluminous to be given in the way of answers, and if the hon. gentleman will move for a return I shall be glad to have the information furnished.

Hon. Mr. LANDRY—I have no objection to putting my inquiry in the form of a return, provided I shall receive the information this year.

Hon. Mr. SCOTT—Oh, I think so. They have promised it. The best we can get is their promise.

Hon. Mr. LANDRY—Then I will move that this inquiry be put to the House as a motion for a return.

The motion was agreed to.

## CRIMINAL CODE AMENDMENT BILL.

ORDER POSTPONED.

The Order of the Day being called :

Second reading Bill (C) An Act to amend the Criminal Code, 1892.

Hon. Mr. SCOTT—I move that the consideration of this Bill be postponed. The reason is that a sister Bill was to be introduced contemporaneously, which is still with the Justice Department. I, therefore, suggest that this order be struck from the Orders of the Day, and placed on the orders for two weeks hence.

The motion was agreed to.

## CONCILIATION ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (F), An Act to amend the Conciliation Act.

Hon. Mr. McMULLEN—It appears that a number of the members have received communications on the subject-matter of this Bill, and I have been requested to postpone the motion for second reading until they have had an opportunity of looking over these communications and preparing whatever objections they intend to offer to the Bill, if any. I cannot see that any very sound objection can be offered. However, to meet their request, I move that the order of the day be discharged and that the Bill be placed on the Orders of the Day for second reading on Wednesday next.

The motion was agreed to.

The Senate adjourned until 3 p.m., tomorrow.

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# THE SENATE.

OTTAWA, Thursday, January 17, 1907.

The SPEAKER took the chair at three o'clock.

Prayers and routine proceedings.

## CARRIAGE OF MAILS BETWEEN CANADA AND THE UNITED KINGDOM.

MOTION.

Hon. Mr. POWER moved :

That an order of the Senate do issue for copies of the contracts for the carrying of His Majesty's mails between Canada and the United Kingdom, as also, of all correspondence had between the honourable the Postmaster General or any member of the government or any officer thereof and the Allan Steamship Company or any officer thereof, or any other corporation or person, since June 30 last, with respect to the carrying and landing of the said mails during the portion of the year when the navigation of the St. Lawrence is not open.

He said : The resolution of which I have given notice has been, to a certain extent, already disposed of by what I understand to be the action of the government ; but the House will perhaps allow me to say a few words on the subject. This resolution deals altogether with the carriage of the mails between Canada and the old country. I wish the House to understand that it has nothing to do with freight. The object of the Post Office Department, as I understand, should be to have the mails transported between England and Canada in the shortest practicable time. It strikes me that that is a self-evident proposition. Up to the present winter it had always been assumed that Halifax was the port through which the mails should be shipped and landed, with a view of getting them over the distance between Great Britain and Canada, in the shortest possible time, and I understand that the contract between the Allan Company and the government contains a provision to the effect that the mails should be landed and shipped at Halifax. The Allan Company, apparently feeling that they had not a sufficient number of steamships of a high character to carry the mails entered into an arrangement with the Canadian Pacific Railway Company, under which certain steamers of the Canadian Pacific Railway line were to take the place of certain steamers of the Allan Company. The Canadian Pacific Railway Company, acting as the substitute and agent of the Allan Company, were undoubtedly bound by the contract of the Allan Company to do whatever the Allan Company were bound to do. However, when the Canadian Pacific Railway Company undertook the work they took a different view, and made the most strenuous efforts to get rid of that provision in the contract which compelled them to land and ship the mails at Halifax. Their efforts to set aside this provision in the contract, however, were unsuccessful. The government insisted, as I understand, that the Canadian

Pacific Railway Company were bound, as the Allans were bound, to ship and land the mails at Halifax. There is no doubt that the government were right, and that the view which has been held ever since 1867 was the correct view. Halifax is 250 miles nearer to Liverpool than is the port of St. John, and these boats, as a rule, do not average more than about 16 knots an hour, so that Halifax is 15 hours nearer to England than is St. John. The sea voyage is that much less ; the land voyage to Montreal is perhaps five hours longer, so that under ordinary circumstances the mails coming by Halifax would have an advantage of about 10 hours over the mails landed at St. John—that is, they would be in Montreal about 10 hours earlier than mails leaving England at the same time for St. John. The Canadian Pacific Railway Company, although defeated in their main object, did not give up the struggle in a good humoured way, but adopted the plan of having the mails shipped and landed by means of tenders, instead of having their steamers come to the wharf as had always been the practice. I may say that the mails have been landed and shipped by steamers at Halifax for over sixty years, and the uniform practice had been that the landing and shipping were done at the wharf. There is no difficulty whatever in ships coming to the wharf at Halifax, and that has been the practice, except once, when the Allan Company first took over the contract. I think that for three or four trips they landed and received the mails by means of a tender; but during all the remainder of this period of over sixty years the mails have been shipped from and landed at the wharf. It was found that the landing of mails by means of tenders instead of at the wharf involved a delay of not less than two hours at Halifax. Experience has shown that in addition to that the Canadian Pacific Railway Company have thrown every obstacle in the way of passengers landing at Halifax or boarding the ships there. Practically, the passengers were obliged to board the ships and land from the ships at St. John. I think the action of the Canadian Pacific Railway Company during the present winter has had one good effect. It has made clear, not only to the people of Canada, a great many of whom have somewhat indistinct ideas as to the positions of St. John and Halifax, but also to the people of England, that Halifax is the proper port for the landing and shipping of mails in the winter season. I do not mean to say that at some future date some other port may not be developed in Nova Scotia which may have advantages over Halifax, but, as things are at the present time, Halifax is undoubtedly the port for the shipping and landing of the mails in the winter. I was glad to see in a despatch from Ottawa, before I left Halifax, that the government have seen that it is their duty to so arrange that the mails shall get to Montreal in the quickest possible time, and that they have ordered that the mails shall be landed and shipped at the wharf at Halifax. I can only say that the people of Nova Scotia and Prince Edward Island are naturally gratified at this decision. I have put the advantage which Halifax has over St. John at 15 hours, but that does not tell the whole story, because that would be true if the steamer, when she got to St. John, was able to enter the port at once. But as a matter of fact the steamer cannot enter the port of St. John safely unless the tide is nearly high. The steamer, for instance, in which Lord Strathcona came out the other day had to wait for some six or seven hours off the harbour, until the tide would allow her to come in, and in that case the advantage of Halifax over St. John might be over 20 hours. In the case of the vessel in which Lord Strathcona came out, the mails landed at Halifax and were in Montreal before Lord Strathcona and his fellow passengers landed at St. John. There is another circumstance which should not be lost sight of, and which has not generally been brought forward when discussing this question, and that is that as regards the province of Nova Scotia and the province of Prince Edward Island, the advantage arising from landing the mails from Halifax, is much greater than in the case of mails going to the upper provinces. The difference in favour of Halifax as to mail destined to any part of Nova Scotia or to Prince Edward Island is probably at the least 24 hours. Now I think that the convenience of the 650,000, or more, people who

live in those two provinces, deserves to be considered.

Hon. Mr. POIRIER—How many people ?

Hon. Mr. POWER—650,000.

Hon. Mr. POIRIER—In Nova Scotia and Prince Edward Island ?

Hon. Mr. POWER—Yes.

Hon. Mr. POIRIER—How do you make that out ?

Hon. Mr. POWER—There are over 500,000 people in Nova Scotia,

Hon. Mr. POIRIER—Not by the census.

Hon. Mr. POWER—Yes, but that census was taken some time ago. Well, I will say 550,000, if the hon. gentleman thinks I have put the figures too high. I think it unnecessary to say that I trust that the despatch to which I have referred is correct ; if it is I can only say that, while I am generally ready to criticise the government——

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—Yes, I think the hon. gentleman from Stadacona knows that. Still I think that when they do the right thing, in the face of some difficulty, they deserve credit, and I wish to express my own gratification at the action they have taken.

I should like to express my own view with respect to these mail contracts. When the Postmaster General makes a contract for the carriage of the mails, I do not think that he should go further than to stipulate that the mails should be landed and shipped at Halifax, that being at the present time the best port, and that he should not provide that the steamships shall make their terminus at St. John. The owners of the mail steamers should be obliged to make their terminal port in Canada. But if the Allan's, for instance, think it is more to their advantage to let their steamers stop in Halifax, the Post Office Department is not concerned in compelling them to go to St. John, although that is the present condition of things. As I understand it, during the latter part of the last summer, the Allan Company were very anxious to be allowed to terminate their voyages at Halifax, and I do not see any reason why the Post Office should undertake to compel them to go to St. John. The case of mail steamers is altogether different from that of freight steamers. There are a number of freight steamers subsidized to run to St. John. Some to St. John alone and some to St. John and Halifax. Their case is altogether different, but my contention is that in the case of the mail steamers, which are paid solely for carrying the mail, there is no just ground for insisting that these steamers having brought the mails to Halifax shall be obliged to go any further.

Hon. Mr. ELLIS—I have seconded the motion of my hon. friend, because as a resident of St. John, I am perfectly willing that there shall be an investigation or inquiry, and that all possible information on the subject should be laid before the House. I, of course, did not know the line of argument my hon. friend would take, and am not prepared to go into the whole subject; but it must be remembered that the Canadian Pacific Railway have two very fine steamers. I think hon. gentlemen know something about them, and the company was naturally very desirous of making the quickest and best record it could in crossing the Atlantic and in landing the mails. I think that there is an independent contract to which my hon. friend has not referred, and that is the carriage of the China mails, and mails for the east, the arrangements for which were made entirely with the British government, and the Canadian Pacific Railway Company desire to as speedily as possible carry and control the through mails across the Atlantic, the continent and the Pacific, and thence to China.

It is possible, I think, to show that it is a little shorter to cross the Atlantic from Halifax than from St. John, but if you have good steamers and if you control a line of railway across the continent, it is quite possible that you may do the service more quickly by way of St. John, notwithstanding the greater length of water transit than if you had not that railway system behind it. It must be remembered also that the Canadian Pacific Railway contractors are very naturally desirous to avoid the expense which devolve on them by reason of transporting their passengers over the Intercolonial Railway. My hon. friend refers to the fact that passengers are not allowed to be landed by the Canadian Pacific Railway at Halifax. I do not understand that that is an absolute fact. I assume

that when Lord Strathcona came out from England the other day, he could have landed at Halifax if he desired to do so ; but it must be remembered that if through passengers land at Halifax, the Canadian Pacific Railway will have to pay the Intercolonial Railway for their transit over the distance the passengers are carried by that line, probably as far as Montreal, and they naturally desire to avoid that if possible. Then, again, it is not all the plain sailing that my hon. friend would lead you to suppose. The Canadian Pacific Railway objects to having its steamers waiting at Halifax for the mails. The steamer going out the other day had to wait several hours because the mails by the Intercolonial Railway were late. These are all points in the consideration of the question which will convince hon. gentlemen that it is a much larger question than my hon. friend has assumed it to be in addressing the House. The great thing is to get the mails carried as quickly as possible. I do not say that that can be done more quickly by way of St. John than by way of Halifax, but if the company which is carrying the mails believes it can do so, and puts up the machinery by which to do so, it should have at least a fair trial. My hon. friend, as I said before, did not touch at all the points with regard to the Chinese mail—the contract with the British government—which is the one great motive of the Canadian Pacific Railway in the fast service. My hon. friend also refers to the fact that the steamers cannot always get into the port of St. John —at least that it is not safe to risk taking them in when the tide is not well up. That may be so, too ; on the other hand, if a steamer came direct to St. John, the possibilities are that she would just as likely not meet that obstruction as to meet it. So there is nothing in that objection as such. I am not prepared to controvert all the statements made by the hon. gentleman, because I have not gone into the matter, but having said that much with regard to the desire of the Canadian Pacific Railway Company to transact the business over its own line entirely and not depend on any other company. Hon. members will see that it is natural the railway company should take the position it does, and no one can blame it for doing so.

Hon. Mr. ELLIS

Hon. Mr. MacDONALD (Prince Edward Island)—While these two hon. gentlemen are advocating the merits of their respective ports for the landing of mails, I should like to call their attention to the report of the Prince Edward Island Board of Trade in which reference is made to this subject in a manner, throwing new light upon it. It would be of interest to these hon. members specially, as well as to the senators generally, what the Prince Edward Island Board of Trade has said of its report on this very point. It is published in the island press from which I take the following extracts from the report of the president of the board, Mr. Tidmarsh, a gentleman doing an extensive business in the island :

> The greater part of Mr. Tidmarsh's report dealt with the transportation problem. He emphasized the importance of considering the establishment of car carrying steamers across the Strait of Northumberland, between Capes Traverse and Tormentine. He advocated the extension of the Grand Trunk Pacific Railway system to Georgetown the winter port of Prince Edward Island, the connection being supplied by a car ferry at the capes. This would necessitate the taking over New Brunswick and Prince Edward Island Railway, or the construction of a railway from Painsec to Cape Tormentine and from Carleton Head to the Cape Traverse branch, the placing of proper aids to navigation at or near the terminals, and the laying of a third rail on the Prince Edward Island Railway, to make it broad gauge and connect Georgetown, Summerside and Charlottetown with the terminal at Carleton Head. He claimed that Georgetown would be available for ocean going stamers during the entire year, thus affording a Gulf port open to navigation three months after Montreal is closed. By the winter route it is 50 miles nearer Liverpool than Halifax, and 250 miles nearer than St. John, and in summer by the Strait of Belle Isle route, it is about 125 miles nearer Liverpool than Halifax and 325 miles nearer than St. John.
>
> By the Intercolonial Railway if the connecting links were supplied at the Capes, Georgetown route would be 23 miles nearer Montreal than Halifax. Thus in winter the Georgetown route would bring Montreal 73 miles nearer Liverpool than the Halifax route does. He further claimed that this extension of the Grand Trunk Pacific to Georgetown is a matter of great national importance, as it brings Western Canada in closer contact with the Mother Country than any port in the maritime provinces from which ocean liners now sail. The traffic created by this line would be sufficient to warrant weekly sailings from Georgetown during the entire season of open navigation.

This is the report of an influential body. The boards of trade throughout the different provinces are considered to represent the principal interest of the trading people

and the community generally, and this report evidently favours Georgetown as preferable to either Halifax or St. John, owing to the fact that it is nearer than those ports to Great Britain.

Hon. Mr. CASGRAIN (de Lanaudière)—I think it was very appropriate for the hon. member from Halifax to bring up this discussion as to the desirability of making Halifax the point for receiving and shipping the mails. There is an active movement now on foot to establish a really fast line of steamers between Halifax and Liverpool, with steamers having a speed equal to those plying between Liverpool and New York, 24 and 25 knots, making the crossing from Liverpool to Halifax in less than four days. Hon. gentlemen will see that the mails have already been carried from Montreal to Halifax in 18 hours. Now with the proposed shortening of the Intercolonial Railway running from a point between Kamouraska and Rivière du Loup to Moncton, shortening the Intercolonial Railway by one hundred miles.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. CASGRAIN—That would lessen the time by two hours ? making it 16 hours from Halifax to Montreal. The Canadian Pacific Railway steamers, travelling at the same rate as the New York steamers, would cross the ocean in less than four days, and we would have the mails from Liverpool in Montreal over the Intercolonial Railway in Montreal in less than five days. There the Canadian Pacific Railway could take the mails and carry them across the continent as they did last summer by the Over Seas Limited. In Montreal we could receive the mail quicker than the people of New York do to-day and even land them in Chicago as early as they are delivered in New York. The interests of localities must be somewhat forgotten ; there must be a national sentiment in this. Quebec also looks forward to being the terminus of the fast line ; but in a case of this kind we must be all Canadians and we cannot consider merely the interest of Halifax, St. John or Quebec, but must select the best place in the interests of the country. There is no doubt in the minds of impartial people that Halifax would be the nearest and best port to receive the mail, and the fast service should stop there both winter and summer. It is very expensive for steamship lines to shift their headquarters from one place to another every summer and winter ; they should be at the one place the year round. The cost would be minimized, because instead of requiring four steamers for the service three would do, and that would reduce the expense 25 per cent. This subject has been discussed by business men in Montreal, and I believe that if the government would, this session, offer sufficient inducement, a company could be formed and I think the Canadian Pacific Railway would join in the enterprise and would be quite willing to make Halifax the terminal point the year round. These steamers would not go to St. John at all or Quebec either, much less to Montreal. They would make Halifax the port on this side all the year round, and with that system we would have the mails from Liverpool delivered in Montreal in a little more than four days. That is the system to adopt if the government would meet the views of the business community of this country and grant substantial aid to any company which would guarantee the establishment of such a service. I think it was very appropriate that the hon. member from Halifax should bring up this question to-day.

Hon. Mr. LANDRY—I had not intended to say a word on this subject, but the few remarks made by my hon. friend reminds me of one of La Fontaine's fables. Once the foxes assembled and one of them proposed that they should cut off their tails. After some discussion they asked the fox who had made the proposition to turn round and then they found that he had lost his own tail and that is why he wanted all the others to lose theirs also.

Hon. Mr. CASGRAIN (de Lanaudière)—Where is the point ?

Hon. Mr. LANDRY—The point is that Montreal being unable to secure the fast service, my friend from de Lanaudière wants also the other cities, as Quebec and St. John, to be curtailed in the same manner. The only suitable port would be Halifax, and he knows why.

Hon. Sir RICHARD CARTWRIGHT—There can be no possible objection to granting the return asked for by my hon. friend, and as he and some of the other speakers

have said the subject is one of very great interest and of very great importance. It has been engaging the attention of the government in more aspects than one for a very considerable period of time. I would say with respect to the general question that at the present moment we have, largely due to the contract made between the Allans and the Canadian Pacific Railway Company, a service vastly superior to anything we have ever had before, and I think all the hon. gentlemen who have crossed the Atlantic recently will agree with me in saying that the turbiners provided by the Allans, and more especially the two 'Empresses' provided by the Canadian Pacific Railway, are boats of a very good class indeed and very creditable to Canada. I would ask my hon. friends, however, to be a little patient both with respect to any possible negotiations which may be going on as regards a very fast service and also as to a matter to which my hon. friend from St. John has rightly referred as being not entirely free from difficulty, with respect to the Canadian Pacific Railway service. We intend, of course, that the contract which has been made shall be carried out. That goes without saying, but I think the House will agree that it is very desirable indeed that, subject of course to the due stipulations which have been made, nothing should be done by us which would in any way interfere with the fulfilment of that rather remarkable contract recently made by the Canadian Pacific Railway Company with the British government, by which mails are conveyed through British territory from London to the Pacific Ocean and thence to Yokohama and Shanghai in a very much shorter time than they can be carried by any other route, and certainly very much shorter time than has ever been done before. It is highly creditable to Canada and quite a feather in the cap of the Dominion that we should be able to provide such a service, and I would deprecate anything which might interfere with it. I am in accord a good deal with the remarks of the hon. senator from St. John in pointing out to you that under certain conditions that service might be considerably interfered with, and it would be inexpedient to do so. As to the larger question presented by my hon. friend from de Lanaudière, I would just say to him that I have very little doubt that in the not distant future something of that kind may be brought about, but I have had a good deal of experience from time to time as to the cost which such a fast service entails. I may remark to him that vessels which run four and twenty and five and twenty knots per hour are enormously more expensive than vessels running from sixteen to eighteen knots an hour, and while if the British government were disposed to co-operate with us—which I think they might fairly do for such a purpose—any difficulty in the way of cost might be overcome, still there is no doubt that vessels which could carry very little freight and which would have to run at very high speed, would require a much larger subsidy than any we have heretofore proposed to give. I am not at the moment quite certain of the cost of the two great Cunarders which are about to ply between Liverpool and New York, but if my memory serves me, I think that those vessels will run into many millions of dollars. I think they are rather more than a million pounds sterling at least—probably ten or twelve million dollars, and a very heavy subsidy besides would have to be paid to them, even if they went to New York. Going to one of our own ports it is probable they would demand a still higher subsidy, because, as every one knows, we could not afford them at first, at least, anything like the number of passengers they might expect going to a larger port. However, when the papers come down we will be able to discuss the whole matter with more information, and in the light of the correspondence that has passed between various members of the government and these companies with respect to this matter. I will only say in conclusion to the hon. senator from Halifax that I was informed that the difficulty which he had alluded to, as to the landing of passengers, will not occur again; that passengers if they choose can disembark at Halifax just as they used to do.

Hon. Mr. POIRIER—The remarks made by the hon. senator from de Lanaudière are very appropriate indeed, when he says that we should look in selecting a port of landing for the British mail for the place most convenient and advantageous to the Dominion generally. That being the case, I believe that that port is neither St. John nor Halifax nor Georgetown, the places men-

tioned to-day, but Louisburg, at the eastern most point of the Dominion and, therefore, the closest to the British Isles. The port of Louisburg is as good as that of Halifax, if not better. It never freezes. Navigation which is impeded sometimes at Halifax, though seldom, which is sometimes impeded for other causes than ice at St. John, N.B., and which is uncertain at Georgetown, is free and open the whole year round at old Louisburg. So much so that even the city people had to build a railway from Sydney to Louisburg in order to take in their supplies for such times in winter as their port was icebound. The port of Louisburg, which has been the scene of tremendous battles between England and France, a town which was once called the Gibraltar of America, in my estimation—I do not pose as a prophet, just as a geographer—is destined to be the port of landing for the mails from England to Canada, and the ultimate terminus of our railroads for passengers boarding the transatlantic steamers. Therefore it is that this question, very properly brought up here to-day, cannot now be solved. We have to wait until the railroads that are now being built are all completed, and then if a port, which is the nearest to England, and the most commodious, is to be selected, as it will ultimately be, in my opinion that port will yet be old Louisburg.

Hon. Mr. MacKEEN—I do not wish to say anything to detract from the merits of Louisburg, which is in the county I had the honour to represent for many years in the lower house. Its capabilities as a port are well known and, I need say nothing in support of what the hon. gentleman who has just resumed his seat has stated in that regard; but I must remark that he is mistaken in saying that the port of Louisburg is more accessible during winter months than Halifax. It is a mistake entirely. I know both ports personally. I have lived near them for a great many years and I know that the port of Louisburg, which has a fine harbour in every respect, is no more accessible than Halifax, and I simply make this correction because I do not think it is fair that he should say that Louisburg harbour is more free from ice during the winter months than Halifax. That is not correct. I presume the hon. gentleman has been misinformed. As regards the route that has been outlined, it strikes me as one that will some day be adopted, and there is no doubt the proposition, as I first heard it suggested, came from Lord Strathcona, made on a visit during the autumn sometime when Lord Strathcona and Sir George Drummond came cross the Atlantic together. This is a large proposition, but it is one that I think will be taken up before many years. When the time comes that we shall have a population of five to ten millions of people west of the lakes, you will find that that will be the main outlet for the trade that they will have. It may take some time, but there is no question about it, that if we have a fast line of steamers, I am not going to say directly to Halifax, although that has been the port mentioned, but to some port on the eastern coast of Nova Scotia or New Brunswick, the railway service will cover the ground between there and Montreal at a rate of fifty miles an hour, as they might easily do, which is a rate of speed quite common in England, so that the mails could be landed and delivered in Montreal, in Ottawa, and even I think in Chicago, in about the same time as they can now be delivered in New York. The hon. gentleman from de Lanaudière, in speaking of this scheme, perhaps forgot to mention that there was another scheme by which a port in Ireland is to be made the port of landing. I do not know anything as to the merits of a port there, but it is thought that that will be a shorter route than the route to Liverpool. Whether it will ever be made use of I cannot tell. However these discussions certainly do no harm. I do not profess to know which is going to be the better port, but there is no doubt that in due time investigation will be made that will satisfy the public. I think the people of Nova Scotia, as a whole, are pretty well satisfied that the more searching the investigation the more likely it is that a route favourable to their interests will be adopted.

Hon. Mr. EDWARDS—The matter of the winter port of landing for the mails or the passengers coming to Canada is not one that troubles me. The port which will give the greatest facilities and be the best for the general public of Canada is the one that will suit me best. But in the course of the discussion which has taken place there has been a suggestion I think of aiding fast steamers plying between the port of Liver-

pool and some port in Canada, and reverting to that subject the right hon. Minister of Trade and Commerce referred to the conditions conferred on the two steamers that are being built for the Cunard line. He said those steamers required very large subsidies, but he did not say that the conditions are that the Cunard line have to borrow the money from the British government to build those steamers, every cent of it. The Cunard line is one of the lines which has committed the great folly for many years of running a service between New York and Liverpool, which has never paid, for the reason that they have run very fast steamers. The steamers that were popular years ago are not popular to-day. The travelling public patronize the large, comfortable though somewhat slow going steamers. There was a time when it was necesary for a great many of the gentlemen engaged in mercantile and financial pursuits to get across the Atlantic as rapidly as possible. That necessity has disappeared because of the introduction of wireless telegraphy. They are in communication with both continents all the way across.

Now what is best for Canada is that which will pay Canada and those running these lines commercially. These fast lines have not, up to date, paid commercially and they never will, for the reason that they have to carry too much machinery. There is not sufficient carrying space for freight, and these very fast steamers running from New York do not carry over ten thousand pounds of freight. No greater mistake could be made, and I sincerely hope that the government of Canada will turn a deaf ear to the suggestion which I observe in the papers, and the request which I expect is to be made for a large subsidy to aid the operating of these fast steamers. Canada has a great advantage in so far as the transatlantic service is concerned. Its nearness to Liverpool and to Europe makes it possible for steamship companies to run steamers of a capacity which will be paying, and at the same time beat out the New York steamers as to time. The conditions now are that two steamers running from Quebec in summer time and from St. John in winter, make just as good time to the port of Liverpool as the fastest New York steamers. Those steamers are of proportions and of carrying capacity which can be run commercially successfully, and these are the kind of steamers which the Canadian people should advocate and not begin an experiment which has been tried as between New York and Liverpool for years and has proved an utter failure. The 'Campania' and the 'Lucania', the fastest steamers running between New York and Liverpool, the finest equipped steamers that ever crossed the Atlantic Ocean, are to-day neglected in so far as travel is concerned, but the steamers such as the 'Baltic', the 'Oceanic', these large paying steamers are the steamers which are getting the transatlantic traffic. For these reasons I hope the suggestions made by my hon. friend with reference to fast steamers will not be entertained for one moment by the Canadian government.

Hon. Mr. ELLIS—I desire, with the permission of the House, to make one more observation. With regard to the port of Georgetown, the port of Halifax, and the port of Louisburg, while these ports have been talking a great deal, we in St. John have got ready for the service and we are doing it. The hon. member from Belleville will be glad to hear the statement which I shall make: The customs officials from all parts of the country assembled to-day to wait upon the Minister of Customs. Just before I left St. John, the collector of customs there came to me and said that the business of the winter port was driving him so much that he was not able to spare a man to come to Ottawa at the time.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (3) An Act to amend the Railway Act, 1903.

Bill (4) An Act in further amendment of the Railway Act of 1903.

Hon. Mr. SCOTT—Let these Bills lie on the Table till some hon. gentleman makes a motion for the second reading.

## BUSINESS OF THE HOUSE.

Hon. Mr. LOUGHEED—Before the House adjourns, I should like to ask my hon. friend the leader of the government what the prospects are of any public measure or Bills being presented to this chamber for our immediate consideration? When I returned to Ottawa after the late adjournment, I cer-

tainly did expect to find a congestion of business before this chamber which would have dismayed us. I had in view the very grave expressions of apprehension uttered by my hon. friend the leader of the House immediately previous to that adjournment, and reinforced by my hon. friend from Wellington, as to the probable sacrifice of the public interests should that adjournment take place. But on my return to-day, instead of an accumulation of business, as we anticipated, I find the Orders of the Day without anything before us ; in fact nothing is looming up until a week hence. I would again impress upon my hon. friend the leader of the government the fact that this chamber is entitled to more consideration at the hands of the government with reference to the presentation before us of more of the public business than it is at present receiving. My hon. friend doubtless will be startled if at an early day another adjournment is proposed, and I have no doubt if that adjournment is proposed he will, as on previous occasions, and the hon. gentleman from North Wellington, point out that the public interests are to be sacrificed, and that public measures are not receiving the attention or consideration at the hands of this House that they are entitled to. I, simply mention this fact so that my hon. friend, the Secretary of State, may be apprised of the condition of affairs which confronts us to-day.

Hon. Sir RICHARD CARTWRIGHT—It only shows how very small the ground is that the hon. gentlemen of the opposition have to complain of the conduct of the government, that they cannot bring up anything whatever in the way of censure on the government to occupy the time of this House. I think they are quite right, but I wish they could communicate a little of their discrimination and forebearing spirit to their friends in the other Chamber. It might greatly expedite public business. With a view to meeting my hon. friend's desires I propose to ask leave to introduce a Bill to amend the Petroleum Bounty Act. It is a small matter, but possibly it will serve to appease my hon. friend to some extent.

Hon. Mr. LANDRY—That is throwing oil on the troubled waters.

## BILLS INTRODUCED.

Bill (G) An Act to amend the Petroleum Bounty Act, 1904.—(Sir Richard Cartwright).

Bill (H) An Act respecting the Quebec, Montreal and Southern Railway Company. —(Hon. Mr. Béique).

## WEEKLY ADJOURNMENTS.

Hon. Mr. SCOTT—In accordance with the custom in former sessions, I desire to give notice of a motion that, until further ordered, when the House adjourns on Friday it do stand adjourned until Tuesday at three o'clock.

Some hon. MEMBERS—Make it eight o'clock.

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to call the attention of the House, and more particularly of the government, to a question that is of very great interest to the province from which I come. It is the interruption in the telegraph service between the province and the mainland. For nearly two weeks there has been no communication by telegraph between Prince Edward Island and the mainland, owing to the breaking of the cable somewhere near the middle of the strait. I do not intend to make many observations on this matter. It has been before the House on former occasions, and we have placed our case before the government as well as we know how, but I must say that I feel a sense of humiliation in having to address the House on this question at all, because the treatment that we have received with regard to it, as well as with regard to other matters affecting our communication with the mainland, has been met with such indifference on the part of the government of Canada that we feel as if it were utterly useless for us to complain at all. Hon. gentlemen know that it was one of the terms of confederation with Prince Edward Island that the government should maintain telegraphic communication between the island and the mainland. That was one of the duties that was assumed by Canada at confederation. We have been labouring under a contract that was made before confederation, and from that time up to the present a very inefficient service has

been rendered. I had the honour of bringing this matter before this House in the session of 1903, when I made an effort to explain the whole situation and to discuss the arrangement at confederation, I referred hon. gentlemen to the various local Acts, as well as the Acts of parliament of Canada that referred to it, and I think I pointed out to the satisfaction of all hon. gentlemen that there is no exclusive right possessed by any company. Yet in the face of that we have now a break in the cable between the island and the mainland, and wireless telegraphy is not utilized, although it is available. There is a Marconi station established at Cap Bear on the island side. There is apparatus for a Marconi service on both of the winter boats, and still the Anglo-American Company is able to hold up their contract at the government apparently and at every one else and say 'We have a monopoly and you dare not communicate across this strait,' even when their own cable is broken, and the province is left in the condition in which it is at the present moment. I feel humiliated that it is necessary for me, as a representative of the province, to rise in this House, or anywhere else, and plead for justice, when we are met with such dilly dallying as this. A short time after a discussion took place before a committee of this House and in this chamber with regard to this subject, and just before the last general election, the government dealt with this contract with the Anglo-American Telegraph Company. Feeling that there was something going on, and prompted by a letter which my hon. friend from St. John very kindly placed in my hands from a telegraph expert, and which suggested the importance of provision being made in any arrangement that would be made with that company, for the laying of the second cable between the island and the mainland, I addressed a letter to one of the newspapers of the province, warning the government or their friends, or anybody who had anything to do with that contract, not to patch up any new arrangement with the Anglo-American Company that did not require the laying of a second cable, because it had been pointed out in the letter to which I had refered, from a telegraphic expert, that their cable that was being used was quite an old one. It was never a very good one and was liable at any time to be broken and the telegraph service to be interrupted. I warned the government to make no new arrangement with the company which did not require the laying of a second cable so that the province would not be exposed to the great danger of having its telegraph communication interrupted early in the winter and remaining in that position the remainder of the season. Notwithstanding that warning the company were given five thousand dollars a year for merely the reduction of the expense of cabling from fifty to thirty cents, and for a modified night service, two things which were undoubtedly advantageous to us but the more important point the insisting on laying an additional cable was entirely overlooked. Now we find ourselves without telegraphic communication at the beginning of the year, and the break is so far out in the strait, in a particular part of the strait, where it is impossible to get a steamer or any other vessel, to relieve or repair the cable until spring. Notwithstanding all that, we find the government is standing by, listlessly apparently, and idly, doing nothing. The reply given in the other branch of parliament to one gentleman from Prince Edward Island was that the government would call upon the Anglo-American Company to repair the cable, or something to that effect, a thing which is utterly impossible, which they cannot do at this season of the year. My contention is that it is the duty of the government to provide—and they should have done it long before this—for the installation of another Marconi tower at Pictou, opposite Cape Bear, which would have given us communication, and that they should have at once given the Anglo-American Company to understand that they would tolerate no further nonsense about that company claiming an exclusive privilege that they did not possess.

Hon. Mr. SCOTT—When the agreement was made with the Anglo-American Company by the government some three years ago, it was thought that it would provide all the facilities that were required in Prince Edward Island. The terms were that the rates should be very considerably reduced, that additional service should be furnished ; and in consideration of doing so, and of keeping up the communication, the

subsidy was increased from $1,900 to $5,000 per year. The action taken by the government when they heard of the break of this cable was to notify the Anglo-American Company that their subsidy ceased until they made some provision for enabling persons in Prince Edward Island and on the mainland to communicate with each other, either by the Marconi system, or in some other way. There are two boats, the 'Stanley' and the 'Minto,' both fitted up with the Marconi apparatus, and there is always one of these boats at Pictou harbour. And my learned friend stated there is a Marconi station at Cape Bear, and in that way the communication might be kept up.

Hon. Mr. FERGUSON—It is not kept up.

Hon. Mr. SCOTT—It may not be, but no answer has been received from the Anglo-American Company since the notification was sent them that their subsidy ceases immediately unless they arrange with the Marconi Company to convey the messages. Nothing more can be done by the government. There is nothing to prevent a private company laying a cable across the strait. The government have shown their earnestness by the notification they have given. The Anglo-American Company has no exclusive right; any one can lay a cable. It is not for the government to enter into a contest with them. Private enterprise ought to be equal to laying a cable across the strait connecting the two nearest points on the island and the mainland. My hon. friend thinks the government should do it.

Hon. Mr. LANDRY—If it is a condition of the contract.

Hon. Mr. SCOTT—Then if it is, it ought to be carried out.

Hon. Mr. LANDRY—It could not be done without the consent of the government. Would the government give that consent?

Hon. Mr. FERGUSON—Surely the hon. gentleman's answer is not satisfactory to the House. I know it will not be satisfactory to the people of Prince Edward Island. He says the government have given notice to the Anglo-American Company that they will not continue their subsidy.

Hon. Mr. SCOTT—Unless they make an arrangement with the Marconi Company to deliver the messages.

Hon. Mr. FERGUSON—All they are going to suffer is that their subsidy will be held back a few months with the strong presumption that it will be paid later through the pressure they know how to exert on the government. My hon. friend says it is open to any company to lay a cable across the strait. They cannot do so at this time of the year, and my hon. friend has no right to say that some private person may provide the service which the government guarantees to provide. Here are the terms of confederation:

> The Dominion government will assume and defray all the expenses of the following services:

Then follows a list of the services, and we come down to 'k.'

> The maintanence of telegraphic communication between the island and the main land and such other charges as may be incident to and connected with such service.

Surely my hon. friend does not think the government is doing its duty when it points out that any company can lay a cable there? Surely he does not consider they are doing their duty by serving notice on the Anglo-American Company that if they do not mend their cable in the middle of the winter their subsidy will not be paid? The government can arrange with the Marconi Company to put up a tower at very small expense. At Cape Bear there is one already, and another could be erected at Pictou and communication established with the railway only five miles distant from the cape. It is high time we should drop having any nonsense with this Anglo-American Company. The government should make arrangements with the Marconi people or somebody else by which we will get efficient service and not be liable to be treated this way at the beginning of the year loosing our communication the whole winter.

Hon. Mr. SCOTT—As I explained before, the department having charge of the service has already communicated with the Anglo-American Company, and until their answer is known it is quite impossible for the government to decide what course they will take. The Anglo-American Company have the inducement to maintain the service in order to preserve their bounty. My hon. friend smiles; surely he will admit that the government have shown their earnestness in making this contract and giving

more than double the subsidy that was granted before. The Government could do no more than they have done already.

Hon. Mr. FERGUSON—The hon. gentleman's government is very good to the company.

Hon. Mr. ROBERTSON—It is almost inconceivable to hon. gentlemen here how important it is to our small island that this telegraph wire which is broken at the present moment should be repaired. Trade is going on, but it is very much interrupted and interfered with for the want of this cable. While I am pleased to know that the government try to do their best, I think they should have insisted, when renewing the contract, on the cable company having a second cable, because this is not the first time their cable has broken in midwinter, and we have been obliged to do without telegraphic communication until the spring. They cannot mend it now because of the ice, but if they had a second cable it is not likely that both would be broken at the same time. Would it not be possible for the government to establish a service between the boat and the island ? As the hon. Secretary of State says, there is always one of the boats in Pictou harbour and she can communicate at the station at Cape Bear and there is a telephone line from the railway station at Murray harbour south of Cape Bear. All they want is to get the boat at Pictou to communicate with Cape Bear and then the communications can be conveyed all over the island. It is a matter involving very small expense, and I hope the government will look into it seriously and have that communication established. There is a boat at Pictou every night and they can communicate with the island at any time.

Hon. Mr. FERGUSON—I think my hon. friend has not thought over the matter carefuly. Each boat leaves port in the morning and is likely to be out all day and in bad weather sometimes for two or three days. Communication with the boats will not do at all. What we want is a Marconi tower at Pictou which will correspond with the Marconi tower at Cape Bear.

Hon. Mr. ROBERTSON—It seldom happens that a boat is not at Pictou every day.

Hon. Mr. FERGUSON—When the weather is fair.

Hon. Mr. ROBERTSON—When the weather is fair, and communication could be had at any time in the way I have suggested. Of course in very bad weather the boats are sometimes delayed. Something should be done because this cable cannot be repaired until April or May.

Hon. Mr. LANDRY—I hope the hon. Minister of Trade and Commerce in the face of what we have heard, will withdraw his very inconvenient expression when he said we have nothing to report to the government.

Hon. Mr. SCOTT—The Marine Department has placed the communication in my hands, stating that either the 'Minto' or the 'Stanley' is always in Pictou.

Hon. Mr. FERGUSON—As a matter of fact business men have not been able to get messages through. For one or two days they obtained occasional communications, but since then they have not been able to get messages through at all.

Hon. Mr. SCOTT—I will make the representation.

The Senate adjourned until to-morrow at three o'clock.

## THE SENATE.

OTTAWA, January 18, 1907.

The SPEAKER took the chair at three o'clock.

Prayers and routine proceedings.

### PAYMENT OF MILITIA SERVICES DURING STRIKES.

The notice of motion being called:

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid upon the table of the Senate :—

1. List of all labour troubles or strikes in the Dominion within the last five years.
2. The reasons or causes of each of such strikes, their duration and the number of men intervene.
3. Cases where the Department of Labour intervened, and the result of such intervention, and what happened or how the troubles or strikes ended when the department did not intervene.
4. Whether the militia was called out on the occasion of these labour troubles or strikes, and how much it did cost in each case.
5. Copies of all papers, resolutions and correspondence in connection with these labour

troubles or strikes and the settlement of difficulties between labour and capital by means of an arbitration board.

Hon. Mr. DAVID—In order to be able to proceed with this matter, I would ask the hon. Secretary of State if he would give me information on some of the points referred to in this inquiry; for instance, whether the militia was called out on the occasion of these strikes, and how much it cost? I am interested in knowing how much was paid in each case when the militia was called out, and whether it was paid by the municipality interested or by the government. I have reason to believe that in certain cases the government paid for the services of the militia. Would the hon. Secretary of State be kind enough to furnish the information by Wednesday next?

Hon. Mr. SCOTT—Yes. The hon. gentleman had better put it in writing, so that I will not forget it.

## WEEKLY ADJOURNMENTS.

Hon. Mr. SCOTT moved:

That pending further order, when the Senate adjourns on Fridays it do stand adjourned until Tuesday, at eight o'clock in the evening.

He said: Yesterday an hon. gentleman proposed to move that when the House adjourns to-day it stand adjourned until Tuesday at 8 o'clock. He came over and saw me and gave me the notice. I felt that it ought to be three o'clock, and changed the figure '8' to '3.' Subsequently, after I had made the motion, a number of gentlemen said it was going to be very inconvenient for them to leave home the night before, and asked if I could not make it 8 o'clock. I consented to make it 8 o'clock, because it seemed to be the feeling of so large a number of members of the House and did not seem to interfere with anybody else, because there will be little or no business for Tuesday.

Hon. Mr. FERGUSON—I do not think that these motions should be submitted to the House; the work of the Senate is being demoralized by these adjournments from Friday until Tuesday night. Such adjournments are very unfair to members who live at a distance from the capital. The answer will probably be made that there is no business before the House, but the barrenness of our paper at this moment is due to the recent long adjournment to a large extent, and our order paper will remain barren if hon. members are getting ready every Friday to leave for home ten minutes after the House meets and can remain away until Tuesdey evening. When they go away their thoughts are not on parliamentary work, and the result is we have no business prepared for the Senate. This practice which has sprung up in recent years of taking these week end adjournments is very injurious to the business of the House. This motion comes at the request and desire of gentlemen who will be found later on offering all kinds of objections to a long adjournment at a time when the House may very properly take a long adjournment. To my mind a long adjournment is not so objectionable as these short adjournments are, while it has the advantage of being a convenience to all the members of the Senate. The short adjournments are only an advantage to those who live within a few hours' run from Ottawa by rail. From some of the gentlemen who are urging these adjournments over Monday we have had long lectures whenever a long adjournment is proposed. Not only that, but on other occasions when the question of adjournment is not up before the House hon. gentlemen who are most interested in obtaining these short adjournments every week through the session, are prone to lecture those who happen to be away towards the end of the session because they do not devote their attention more continuously to business. Hon. gentlemen who, in this way, are able to attend to their own private business every week, will undertake towards the end of the session to say that members who are not present on the last day should resign their seats and give place to men who would be present at such a time. We should have a little fair-play and reciprocity in these things. It is all very well for the members who remain to the closing day to discuss Bills which they cannot amend or change to organize themselves into a mutual admiration society and institute comparisons between themselves and their colleagues who happen to be absent just at that period of the session. They can enjoy that pastime if they please. I am one of those who happened to be absent a few days before the close of last session. My at-

tendance in this House will not compare unfavourably with that of most hon. members. I remain here throughout the session and try to devote my attention to something which will be of advantage in the discussion of public questions, and it is unfair to those who, after remaining here until near the end of the session while others take a holiday every week, to be criticised as we were towards the close of last session by a few gentlemen who happened to be here, and one of whom admitted that he remained because he had already lost the fifteen days. Still he joined in a denunciation of those who happened to be absent on the closing day.

Hon. Mr. McMULLEN—The hon. gentleman from Marshfield may possibly be making some allusion to remarks which I made at the close of last session in connection with the passage of the Lord's Day Bill. We had on that occasion an exceedingly thin House, and I considered it a very important measure, and thought it would have been better had hon. gentlemen who had undertaken the duties of senators remained in their places and given a measure like that fair and reasonable consideration. My own feeling is that in the interest of the legislation of this country the government should alter the Act regulating the attendance of members of both Houses. When the sessional indemnity was $1,500, members were allowed fifteen or seventeen days' absence during the session. Prior to that they had been allowed some ten days. Now, I think all absent days should be wiped out. Members are fairly well paid for their services, and should devote the time during which parliament is sitting to their public duties here. If there is not day by day legislation to bring before them they should wait until it is introduced. They certainly should be in attendance at least. Such a thing as long adjournments of the United States Senate, or even of the upper houses of the states, is never thought of. Members are in attendance from the beginning to the close of the session, and we ought to have followed the same rule. In England, no doubt, adjournments do take place, but not such very long adjournments as we have here. I sympathize with hon. gentlemen who come from a distance. I see the objection to these short adjournments from Friday to Tuesday comes from members who live at a distance from the capital. I admit it is lonely wandering about here Saturday, Sunday and Monday until the return of members who live within a short distance of the capital, but you must remember that we do not have a Tariff Bill every year. We have not had a Tariff Bill of very great importance for nine or ten years. The last one we had was in 1898. The tariff revision in the House of Commons is largely the cause of the delay in business being put through and sent up to the Senate for our consideration. Until that Tariff Bill is through, the probabilities are that we will have but little work on our hands. Nevertheless, we should be here ready to perform work when there is work for us to do instead of rushing through business at the close of the session, suspending all rules and giving them three readings at the same sitting. It is neither creditable to the Senate to do it, nor is it giving the measures that are presented to us the consideration that they deserve at our hands. It is not discharging our duty properly when we close a session by rushing measures through in that way. For my part, I have objected to it on several occasions, and I earnestly hope the government will not ask us to do it this year.

Hon. Mr. ELLIS—I am perfectly willing, as one man that must remain here, that Monday shall be allowed as a full day to those who wish to go away. These hon. gentlemen might remain at home on Monday, but to make us return on Tuesday night is hardly fair. We who remain here during the short adjournments are pining for the companionship of hon. members of the Senate, and we would like to meet them on Tuesday at 3 o'clock. Aside from that, the effect of meeting on Tuesday night is that every hon. member who has anything to bring before the House fixes it for Wednesday, so that everything is set down for Wednesday, and there is no business for Tuesday night. These orders could be placed on the order paper for Tuesday afternoon instead of Wednesday.

Hon. Mr. CASGRAIN (de Lanaudière)—There are only three orders for Wednesday.

Hon. Mr. ELLIS—We have hardly commenced business yet, and these orders are thrown over in that way. I think the better

plan is to agree, without further discussion, that we shall give Monday to these hon. members, but that we shall meet on Tuesday at the usual hour. Many of us are compelled to remain here whether we wish to or not.

Hon. Mr. SULLIVAN—I do not wish to take advantage of this adjournment, but, on behalf of those who desire to go away, it will be no use to them if we are to meet on Tuesday afternoon because there are hon. gentlemen who cannot travel at night; I would not advise them to travel at night, and therefore they should have an opportunity to travel in the day time. I say this on behalf of those hon. members, for whose health I have the utmost regard.

Hon. Mr. POWER—Does the hon. member from Kingston not think that an hon. gentleman whose health is in such a condition that he cannot travel at night would suffer in performing the arduous duties of a senator at an evening session? I feel that I could stand travelling at night, but I really think that working at night in the Senate might seriously injure my health. There is no doubt that the notice which the hon. Secretary of State gave yesterday afternoon was for 3 o'clock, and possibly hon. gentlemen who were in favour of adjourning until 3 o'clock on Tuesday, and opposed to the 8 o'clock adjournment, have gone away under the impression that the adjournment was to be until 3 o'clock. I quite concur in the remarks of the hon. gentleman from St. John. I am satisfied to give up Monday, but I think we should meet at 3 o'clock on Tuesday, for the reasons given by that hon. gentleman.

The motion was agreed to.

The Senate adjourned till Tuesday evening at 8 o'clock.

## THE SENATE.

OTTAWA, Tuesday, January 22, 1907.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

### NEW SENATORS.

Hon. Robt. Beith, Hon. Daniel Gillmor, and Hon. Ambrose Hillaire Comeau.

### BILLS INTRODUCED.

Bill (14) An Act respecting the Georgian Bay and Seaboard Railway Co.—(Hon. Mr. McMullen.)

Bill (10) An Act respecting a patent of the George E. Smith Lumber Co.—(Hon. Mr. Mitchell.)

Bill (9) An Act respecting a patent of Edgar Webster Summers and Hadley Herbert Summers.—(Hon. Mr. Coffee.)

Bill (8) An Act respecting patents of William A. Damen.—(Hon. Mr. Lougheed.)

### THE INSURANCE COMMISSION.

INQUIRY.

Hon. Mr. FERGUSON—I should like to ask my hon. friend the leader of the House, if the government is yet in possession of the report of the Insurance Commission, and, if so, when it will be laid before parliament?

Hon. Mr. SCOTT—I am not aware that it has been received. It was expected some days ago. I will ascertain positively tomorrow, but I do not think it has been received. It will be laid on the table just as soon as it is received.

### THE PRINCE EDWARD ISLAND CABLE.

INQUIRY.

Hon. Mr. FERGUSON—Before the Order of the Day is proceeded with, I should like to ask my hon. friend if he can inform the House whether the cable between Prince Edward Island and the mainland is yet repaired, or whether the island is still without telegraphic communication?

Hon. Mr. SCOTT—I am afraid it is still without telegraphic communication. I brought the subject before Mr. Fisher, acting Minister of Public Works, and the Minister of Marine and Fisheries, and they say they are doing all they possibly can. In the first place, the Anglo-American Company were necessarily entitled to notice and inquiry as to whether they were prepared to go on with the service. The last advice I got from Mr. Fisher was that he had not yet received any communication from the company, although he was hourly expecting it. I impressed on my colleagues the importance of dealing with the matter promptly.

Hon. Mr. FERGUSON—I shall have to trouble my hon. friend with this question daily until I get some information upon it.

## PETROLEUM BOUNTY ACT AMENDMENT BILL.

### SECOND READING POSTPONED.

The order of the day being called :

Second reading Bill (G) An Act to amend the Petroleum Bounty Act, 1904.

Hon. Mr. SCOTT moved that the order of the day be discharged, and that the Bill be fixed for second reading to-morrow.

Hon. Mr. LOUGHEED—I would remind my hon. friend that this Bill of three lines is the Bill that has been submitted to the House by the government for the purpose of occupying its attention for the next few days, and I was anticipating a rather interesting discussion emanating from the government on this Bill. I must express my disappointment that the time is not being occupied by that discussion.

Hon. Mr. SCOTT—The Minister of Trade and Commerce is, no doubt, preparing his speech.

The motion was agreed to.

The Senate adjourned until to-morrow at three p.m.

## THE SENATE.

OTTAWA, Wednesday January 23, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## REPORT OF COMMITTEE ON STANDING ORDERS.

Hon. Mr. YOUNG from the Committee on Standing Orders presented their report. He said : If there is no objection I will move that this report be adopted.

Hon. Mr. LANDRY—Unless there is something very urgent, I would object to the adoption of the report to-day.

Hon. Mr. YOUNG—I do not know there is anything pressing, unless there be some private Bills.

Hon. Mr. LANDRY—There are none on the Order of the Day.

Hon. Mr. YOUNG—In all the petitions reported upon to-day, the rules of the House have been complied with.

Hon. Mr. LANDRY—Then we shall comply with the rules ourselves.

Hon. Mr. YOUNG—Let it stand till to-morrow.

Hon. Mr. SCOTT—The effect is to throw over for another day any business that may come up from the other House. It is purely formal, because the report says that the rules of the Senate have been complied with. Of course, until this report is adopted, the private Bills at present before the House cannot be proceeded with.

Hon. Mr. LANDRY—What Bills are there ?

Hon. Mr. SCOTT—There are a number, I think.

Hon. Mr. LANDRY—Not one.

Hon. Mr. SCOTT—I understand it is the practice to adopt this report formally. When we have the report from this committee that the rules of the House have been complied with, then it is in order to introduce any private Bills.

The SPEAKER—Is there any motion on this report ? Or is it laid on the table ?

Hon. Mr. YOUNG—We have a double barrelled practice with reference to the report of the Standing Orders Committee. The practice in the past has been that, where no special recommendation is made, the report is accepted formally without any motion at all ; but I have always felt that it was only fair to the House that the report of the committee, whether formal or not, should be adopted by the House. However, there is nothing in this report which is of a contentious character because the whole proceedings are formal. Every petition has been reported upon, and it was only for the convenience of the House that I moved that it be adopted to-day, so that if anybody desired to proceed with a Bill he could do so immediately. I have no objection to the report standing until to-morrow.

The SPEAKER—There is no motion from the hon. gentleman from Killarney.

Hon. Mr. YOUNG—No. There was a motion but it was objected to, and as it cannot

be put to the House without the suspension of the rule, the motion will stand.

BILL INTRODUCED.

Bill (I) An Act to incorporate the Canadian Mutual and Dramatic Association, Limited. —(Hon. Mr. Casgrain, de Lanaudière.)

ST. JOSEPH TRANSPORTATION COMPANY BILL.

FIRST READING.

Hon. Mr. CHOQUETTE introduced Bill (J) An Act to incorporate the St. Joseph Transportation Company.

The Bill was read the first time.

Hon. Mr. LANDRY—I want to call the attention of the House to rule 113 which says :—

Every private Bill is introduced on petition, and presented to the Senate after the petition has been favourably reportd on by the Committee on Standing Orders.

Hon. Mr. YOUNG—I wish to assure my hon. friend that the Committee on Standing Orders have reported favourably on the petition.

Hon. Mr. LANDRY—Yes, but that report has not been adopted yet.

Hon. Mr. YOUNG—The rule does not say it must be adopted.

Hon. Mr. LANDRY—Then what is the object of the rule ?

Hon. Mr. YOUNG—The hon. gentleman is taking the wording of the rule, and that is what I am doing.

Hon. Mr. LANDRY—If that is the rule, I should like to have the Speaker's ruling on it.

Hon. Mr. POWER—The almost uniform practice in the past has been where the committee reported that the rules had been complied with, the report has not been formally adopted, but where the report recommends a suspension of the rules or some other action, then the report should be adopted. One object of the committee making the report which they have done to-day is to inform the House that the rules have been complied with. That report is before the House, and the House is in a position to deal with the Bill.

The SPEAKER—As there is no recommendation in this report, the report need not be adopted.

BILLS INTRODUCED.

Bill (K) An Act to incorporate the Stratford and St. Joseph Radial Railroad Company.—(Hon. Mr. Choquette.)

Bill (L) An Act respecting the Traders Fire Insurance Company.—(Hon. Mr. McSweeney.)

THE PAYMENT OF MILITIA IN STRIKE EMERGENCIES.

MOTION.

Hon. Mr. DAVID moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a copy of all papers and correspondence having reference to the calling out of militia and to the intervention of the government in the late strikes and riots in Hamilton and Buckingham.

He said : Although I have not obtained all the information which I require, and I do not blame the hon. Secretary of State for that, because I am sure he has done everything in his power to give me what I asked for, with the object I have in view in presenting this motion, I think I may proceed, and make a few remarks with the hope that some hon. members of this House will express their opinions on the subject. When the Militia Bill was discussed three years ago, I expressed the opinion that the government should pay for the services of the militia when called out to suppress riots or disturbances in any part of the country, and I even offered an amendment to the Bill at the time, which was rejected by a small majority of two or three. I think it would have been carried had not the hon. member from Victoria stated that the hon. Minister of Militia had intimated that next year he would probably amend the law in the way that I have indicated. The object of my amendment at the time was to oblige the government to pay for the services of the militia when they should be called out to suppress riots or disturbances taking place on government property or in connection with government works. I at the time was of the opinion, and I am now more of that opinion, that it was not just to oblige the municipalities to pay for the services of the

militia in cases especially where those disturbances or riots had taken place on government property or in connection with a government work, and sometimes because of the injustice or neglect of government officials. But now I am inclined to go further and express the opinion, and even to propose a Bill to that effect if I find that I am sustained by the hon. members of this House, and provide that in any case the government shall not discriminate but shall pay for the services of the militia when called out to aid the civic authorities. I propose this for many reasons, and the principal are the following: First, the country pays for the maintenance of the militia. The amount paid for the administration of the entire Militia Deparment costs between four and five million dollars a year. Why does the country pay such an amount, and especially for the maintenance of a permanent force? Is it to protect the frontier against invasion or against foreign aggression? No, no, we are perfectly safe in this respect; we have no wars to fear, no enemies to fight. We are the happiest country in the world, and I doubt whether we appreciate the goodness of Providence towards us. No, the only compensation which we may expect and which we have for the sacrifices we make for the maintenance of a militia force is that that militia may be used and employed as a police force under certain circumstances to help the civic authorities to keep the peace and suppress riots and other disturbances in cases of emergency. I contend that those services ought to be gratuitous; that the least the militia might do is to give its services free, or that they should be paid by the government. My remarks apply especially to the permanent force. As you know, we maintain a permanent force which is composed now of about 2,500 or 2,800 men.

Hon. Mr. POWER—Not more than two thousand.

Hon. Mr. DAVID—The government have a right to raise the permanent force to 5,000, and in the month of June next the number composing the permanent force will be 3,000. I contend that with a permanent force of from three to four or five thousand soldiers, the government is in a position to come to the help of the civic authorities in all circumstances, and that in those emergency cases, the municipality should not be obliged to pay for the services of that force. In reality under the law as it is at present, you oblige the country, and the municipality, to pay twice for the same service. If the permanent force is not sufficient, then let the government increase the number. The fact is that the existing law makes no discrimination whether it is the permanent force or the active militia which is to be called out to quell riots, and the municipality is bound to pay in every case, even when the permanent force is called out.

I say that whether the permanent force or the ordinary militia is called out, the municipality should not pay for their services. I hold that it is unjust, because very often the municipality is too poor in reality to pay for such services. Suppose that a disturbance takes place in the remote Northwest within the jurisdiction of a small municipality composed of a few ratepayers, is it just that the municipality should be obliged to pay for the services of the militia, if a strike, for instance, occurs in that district? The fact is that in many cases the municipality would be absolutely unable to pay for the services of the militia. I say it is a dangerous condition, and why? Because, if you continue to compel the municipality to pay for the service of the militia under such circumstances in many cases they will refuse or neglect to call out the militia in the proper time and the results will be disastrous, not only to the interests of the municipality, but also to the interest of the country. We are all as patriotic citizens desirous of making this country a peaceful one on account of the immigration which we are seeking from all parts of the world. We induce immigrants to come here, and we must show them that we are living in peace, and that we have all the means necessary to maintain law and order. I think I could cite many examples to prove that my assertions are well founded. Take the case of the Buckingham riot. If the militia had been called out at the proper time, we would not have to regret the deplorable results of that disturbance. There would have been no bloodshed. My remarks apply also to Hamilton and the different places where the services of the militia have been called for. There is only one objection which I think may be raised, but I do not consider

it to be a serious one; and that is that if the municipalities are not obliged to pay for the services of the militia or the permanent force, they may be requisitioned for without sufficient causes. The fact that it may occur accidentally, as an exception, is not sufficient reason for rejecting something which is fair and just as a general rule. It has been said very often, that the abuse of a good law or of a sound principle is not sufficient to reject the law or to condemn the principle. It matters very little whether the government may spend ten or twelve thousand dollars a year without sufficient cause. The loss of the money by the government is a small matter compared with the inconveniences resulting from the neglect or the refusal to call out the militia at the proper moment. In any event the government is well protected by the statutes with regard to calling out the militia. The government has not much to fear in regard to having the services of the militia called for without sufficient cause. Sections 80 and 81 of the statute state what is necessary to obtain the services of militia in emergency cases. Section 82 reads as follows :—

82. The civic authorities, by whom such requisition may be made, are : (a) if the place where such riot or disturbance occurs or is anticipated is municipally organized, the mayor or warden or other head or acting head of the municipality, together with two justices of the peace, or in the event of such mayor, warden or other head or acting head refusing or being unable to act, the county or district court judge or one of the county or district court judges having jurisdiction in such place, acting alone, or if there is no such judge then any judge of a superior court who has jurisdiction there.

I have a right to say that there is enough in this clause to guarantee that the services of the militia will not be called out without sufficient cause. I have prepared a Bill to strike out two clauses in the Militia Act which compel the municipality to pay in such cases ; but before presenting that measure to the House I thought proper to ascertain the views of hon. members on the subject.

Hon. Mr. POWER—Before we hear from the government, I think it might be well that there should be a little expression of independent sentiment with respect to this matter. I always like to agree with the hon. gentleman from Mille Iles, but I regret to say that on the present occasion I do not find myself able to do so. In the first place, with respect to the calling out of the militia, I think that it is a step that should be taken only when it is absolutely necessary. In all ordinary cases at any rate, the protection of the people's lives and property should be in the hands of the civil authorities. I think it is not desirable that the militia should be called out except when absolutely necessary. There is one unfortunate circumstance which generally accompanies the calling out of the militia and that is the inflicting of serious wounds and sometimes death upon some of those who are disturbing the peace, and I think it is a great deal better that the policeman's baton should be used than rifles and bayonets. The hon. gentleman's idea is that the government should in all cases pay the expense connected with the calling out of the militia; that the municipality in which the disturbance has occurred should pay nothing. That I think would be a very dangerous principle to lay down. This country is now in its fortieth year as a confederation, and we have had the existing law on the statute-book during that time. We had it for sometime before confederation in the several provinces; and that fact alone should make us a little careful about undertaking to change the present practice. I feel that the effect of providing that the municipality in no case should pay for the militia in cases of strike might be very different from what the hon. gentleman supposes. As it is now, the civil authorities in the municipality, the town council or the city council or the county council, whatever body governs the municipality, will try and prevent riots from occurring, just because they feel that if they call upon the militia the municipality will be assessed for the expense incurred; and I think it most desirable that these local difficulties should be disposed of, as I said before, by the civil authorities, and that the militia should not be called out.

If parliament provides that in every case the government shall pay for the militia, the effect will be that the municipalities will not make the earnest efforts which they should make to prevent disturbances and to quell riots when they arise. They will trust to the government footing the bill, and the result will be that many more disturbances

will occur, and the country will be victimized to a very consideraable extent. I think that that is a very undesirable condition of things to bring about. The hon. gentleman from Mille Iles told us that we had now a considerable permanent force and that the permanent force would be called out, not the militia. It is true that the permanent force to-day is more numerous than it has been in the past, but there are not as many members of the permanent force available for service throughout the country as there were three or four years ago. It will be remembered that some months ago Canada took over the duty of garrisoning Halifax and Esquimalt ; and I think the garrison of Halifax is supposed to be about 1,500, and of Esquimalt, about 500. I do not know that there are these numbers at those places at presesnt, but that is the strength which those garrisons are supposed to have. So that at St. John's in the province of Quebec there are not as many members of the permanent force as there were two years ago. Outside of St. John's, taking the province of Quebec, there are a few members of the permanent force at Quebec, but not as many as there were a few years ago. So that in the whole province of Quebec you have simply two small detachments of the permanent force. Clearly, in the case of Buckingham you could not very well have had a department of the permanent force brought all the way from either St. John's or Quebec in time, and that would have been necessary if the militia had not been called out. The same thing is true of Ontario. There are very few members of the permanent force at the present time stationed in Ontario, and, consequently, very few members of that force are available, to be used as the hon. gentleman supposes they would be so. So that in most cases the militia would have to be called out. The hon. gentleman says it is going to cost the country very little; but if you call out 200 militia men it involves interference with their usual duties and it involves a very considerable expenditure for transportation and maintenance and all that. Then the hon. gentleman said that these small municipalities and remote districts would not be able to pay for the militia. But, as a rule, serious strikes do not take place in small, remote localities, because there are not many men employed in small and remote municipalities, and you have not the material for strikes. I think that the case of Hamilton is an illustration of the sort of danger that we would be subject to. As far as we can gather from the reports in the newspapers, the sympathies of the chief civil officer of Hamilton were altogether with the strikers ; and if the mayor of Hamilton and some of his assistants had done their duty at the beginning, that strike would never have attained the dimensions that it did. The government will, I have no doubt, deal with the subject in a satisfactory way, but as one member of the House I think it would be much to be regretted that the course suggested by the hon. gentleman should be adopted.

Hon. Mr. McMULLEN—I desire to offer a few remarks in addition to what has been said by the hon. gentleman from Halifax. I largely endorse the views he has expressed upon this question. I think that if the country was called upon to assume the responsibility and the expense of paying the militia, and supplying the militia every time they were asked to put down a riot or a strike, it would take a very large force to meet the demands that would be made. In municipalities, mayors and municipal officers are largely dependent upon the popular vote for the positions they occupy, and sometimes they are called upon to endanger very seriously their positions, owing to the fact that they have perhaps to displease a very large percentage of electors by taking a stand for a principle, or a question of what is right and what should be done under stress of circumstances. In that view, municipal officers would to a great extent refuse to act at all. They would virtually say to themselves 'I must quarrel with a certain section of the electors if I interfere in this strike, and rather than place myself in that position, I will allow the government to call out the militia and quell the disturbance.' That would be virtually the course taken if the government were to supply the militia in every case where it was required. I quite agree with the hon. member from Halifax, that the law which has been in existence since confederation has worked very well. I should like to see the principle carried out, that in every single case where

a municipality requires the services of the militia to supress a riot they should be called upon to pay the expense. There should be no exception made to that rule, because if you make an exception in one case you open the way for political influences and other influences to be exercised with the government of the day, and the result will be that after a while the proposition that has been made by the hon. gentleman from Montreal might just as well be the general principle upon which the militia would be supplied. I think the law should be rigidly enforced where a strike takes place in any city and rioting ensues, and if the civil authority cannot suppress the riot or keep peace and order within the limits of the force that they have, and they have to appeal to the government for the militia to maintain the laws, the city should pay the expenses. Another view of the case is that it would be entirely unfair to a rural district to provide this expensive method of putting down riots in cities and towns, and make the rural districts pay their share of the expense. Rural districts do not require service of this kind. I have never known a rural municipality that required the service of the militia to suppress a riot. It is only in the cities or towns it occurs.

Hon. Mr. CLORAN—In the county of Ottawa.

Hon. Mr. McMULLEN—In that case there may have been one. That is an exception to the rule. As a rule it is not the custom for rural sections to call out the militia ; then why should rural districts be called upon to pay for the suppression of riots in cities ?

If the suggestion propounded by my hon. friend from Mille Iles were carried out, the expenses would come out of the consolidated revenue fund of this Dominion, to which every farmer and every man in the rural districts contribute a share, as well as those in the cities and towns. I do not think in that case it would be right. The law as it stands is a good law. The government should be urged in every case to rigidly enforce the law, and if they do so, I think they will serve the best interests of the country, and we will be able to maintain in our cities and towns order of the kind that we should maintain under all circumstances. The militia have done good service whenever they have been called out. No riot has taken place that they have not been able to suppress. We all regret riots and strikes. We should not have them, and I earnestly hope the day is not far distant when we will have a law upon the statute-book that will largely put a stop to all those things and that our people will respect each other, both labourers and employers, so that we will not require to have the militia called out to settle disputes between them.

Hon. Mr. SULLIVAN—I had no intention of speaking on this subject, but the arguments advanced by the two hon. members who have just spoken are so very foolish in my opinion that I think they should not be allowed to pass. Why, hon. gentlemen possessed of the intellect and the intelligence that those two hon. members are known to possess, should wander into such a labryinth as they have done, and not extricate themselves from it, is very singular to me. Why should the municipality pay this expense ? Is the municipality the cause of it ? Has it anything to do with it ? Not at all. It was part of a system, a struggle between capital and labour, which invades the whole extent of the country and with which the whole extent of the country is concerned. I think it was a very wise and judicious act on the part of the hon. gentleman from Mille Iles to bring up this question. I think it is a hardship of the worst kind, and a most invidious discrimination that the municipalities should pay for those services. What had the municipality of Buckingham to do with that strike ? Nothing whatever, only the strike took place in the village and simply because the battle ground was in that region the municipality is called upon to pay the whole expense of the militia. That is unfair. The permanent force should be employed. The militia have their prejudices and feelings and may either overdo their duty or not do it sufficiently. On the contrary, the permanent force being under orders, one of them is equal to ten militia men if not more. Another point is this : the only great objection to calling out the permanent force is the expense. I know that in all the recent instances where the militia have been called out, the opinion has been expressed very

generally that they should have been called out sooner. If you are going to apply a remedy the sooner that remedy is applied the better. Now, I contend that the hon. gentleman who introduced this Bill did what was very fair, proper and just. It is an act of extreme injustice to make a municipality pay for a riot which it had no possible means of stopping. It is a question which concerns the whole country and the country should bear the whole expense of it and bear it cheerfully. If you are going to consider the parish politics of discriminating between the benefits a small place derives and the benefits which the country derives relatively from the suppression of a riot, there would not be any law properly carried out. Therefore, in my opinion, a very strong reason for this measure being brought in has been furnished, and I hope the hon. gentleman may succeed in carrying it.

Hon. Mr. CLORAN—The hon. member from Kingston has expressed more forcibly than I can the views I hold in regard to the question before the House. I am in sympathy with his remarks, and I would wish to add my expression of surprise at the attitude taken by the hon. gentleman from South Wellington and Halifax in regard to this matter. Their views in regard to it are somewhat narrow. They do not seem to seize the entire import of the question. A municipality is responsible when it is the cause of a riot, and should be held responsible, but not so when the riot is caused by people over whom the municipality has no control. I do not see why the ratepayers of that municipality should be called upon to pay the expenses of suppressing a riot caused by strangers imported into the place. The national government is responsible for the general peace of the country, whether on the banks of the St. Lawrence or along the frontier, whether it is a band of marauders that attacks our flag on the frontier, or our peace in our own country. The principle is the same. Where the municipal authority is at fault, then let the municipality stand the burden of the expense. I remember well when the hon. member from Mille Iles brought up the question two years ago. It was with reference to a strike which took place outside of the city of Montreal on property belonging to the Dominion government under the control of the Harbour Commissioners, over whom the city of Montreal had no jurisdiction. There was a riot there that lasted two or three days. How long did the militia stop there? They remained eight or ten days if not two weeks, when their presence was not required. Why it is a picnic for a large number of militiamen to go out on those occasions. I heard the hon. gentleman make the remark that they were taken from their daily avocations. They were only too anxious to patrol the wharf when there was no riot to be suppressed, and yet for all this the city of Montreal was called upon to pay. The hon. member from Mille Iles, who was acquainted with the situation, came before this hon. House and tried to impress upon the government that a clause should be inserted in the Bill whereby the militia would be paid by the government when called out to suppress a riot or disturbance taking place on government property. That was a very legitimate demand, and on that point I am with him entirely. The government of this country has no right in law or in equity to force a municipality to pay for services which are not required by that municipality.

Hon. Mr. DAVID—The hon. gentleman was not present when I mentioned his name, and said that the amendment I moved would probably have carried had the hon. gentleman from Victoria not stated to the House that the Minister of Militia had expressed the intention of amending the law during the following session.

Hon. Mr. CLORAN—The hon. gentleman is perfectly correct in his statement of the facts. When the discussion was going on before the House, I had occasion to see the Minister of Militia and talk the matter over with him, and I impressed upon him the necessity of providing for these occasions at least. He then stated that he would see to it that an amendment would be made to the Act at the following session. We have never heard anything of it since. Dealing with the matter as submitted by the hon. gentleman from Mille Iles, I am with him on nearly every point. The government should pay for preserving the peace on government works, whether that government be provincial or federal. The hon. member from Halifax did not seize the point made

by the hon. gentleman from Mille Iles when he said that a riot in a village or hamlet could not be a very serious affair.

The hon. gentleman ought to know that in the development of Canada great railway works are going on which pass through hamlets and villages, where hundreds and thousands of men are at work. These men are birds of passage, but they may happen to be in a little hamlet of a few families and create a riot which the municipality cannot suppress. They have perhaps a couple of thousand hard men to deal with. The government is appealed to send the militia. Is it fair to say that that municipality, with probably a couple of thousand dollars a year revenue, that they must pay ten or fifteen thousand dollars for the expenses of the militia ? It is not fair on the face of it. You could not exact it. Then why not admit part of the hon. gentleman's demands and say yes, under these circumstances the government should pay, rather than to say it should never be done under any circumstances. In the construction of the Cornwall canal we have had some disturbance of the peace. I think on some occasions a threat was made that the militia would be called out. On that canal there are four or five small municipalities with very limited revenues and because some hundreds of working men created a disturbance, if the militia had been called out, they would have been saddled with the expense. It is not fair, just or equitable ; the suppression of the riot was not for the benefit of the municipality but for the benefit of the government in the construction of that public work. There can be no two opinions ; that part of the demand of the hon. member from Mille Iles is perfectly justified under the condition of things existing to-day in Canada. Now as to enlarging the principle and saying that under all circumstances the government shall pay for the expense of militia used in suppressing riots or disturbances, I make an exception that the government should not be made to pay if it is the fault of the administration of the municipality.

Hon. Mr. POIRIER—Who is to judge the default ?

Hon. Mr. CLORAN—The courts of the land are there to judge, and if necessary the matter could be laid before any commission which this government might appoint. On that one point, I would disagree with my hon. friend from Mille Iles, but where it can be proved that the municipality does not benefit, but loses large sums of money, loses in its property, and in its name through a riot for which it is not responsible, and of which it has not been the cause, and the militia are called out, the government should pay the expense. That is the only limit I would make in his demand. I do not see any difference between repressing a rebellion within our own provinces and facing an invasion by an enemy. Under the circumstances, if the hon. member sees his way to push this question to the front and keep it there until the government takes action, he will find me with him for the best part of it anyway.

Hon. Mr. SCOTT—There is no objection to the address going, and the papers referred to will be brought down. I desire however to dissent from the dictum laid down by the hon. gentlemen from Mille Iles, Kingston and Montreal, that the government ought in such cases to pay the expenses. The hon. senator, in his motion, refers particularly to the papers and correspondence having reference to the calling out of the militia and to the intervention of the government in the late strikes and riots in Hamilton and Buckingham. Under our constitution the preservation of the peace rests properly with the provincial authorities, ergo with the municipal authorities organized under provincial law. Any other conclusion would be a serious interference with civil rights, which I think, the municipalities themselves would be the first to rebel against. Take the two cases we have under notice, Hamilton and Buckingham. What was it in those places? One body of the tax-payers against another body of tax-payers. In Hamilton it was the employees on the street railway, householders, tax-payers and citizens of Hamilton who had a grievance against those employing them. It arose entirely from that. It could have been quelled in the first instance, as some hon. gentlemen stated, had it not been for the supineness of the authorities, probably an election coming on, the mayor or municipal authorities hesitated about preserving the peace and allowed the strike to develop into a riot. At Buckingham it was

the same ; one body of citizens wanted either shorter hours or more pay. They wanted their employers to grant certain concessions. Had the municipal authorities at Buckingham remonstrated with those men in the first instance and said, you have a right to withdraw from the employment and to bring reasonable pressure on the McLarens, but you have no right to arm yourselves and attack them, a riot might have been avoided. It was perfectly well known that they were acquiring arms for the purpose of attacking their employers. It is monstrous to say that in a case of that kind the people of Canada should be called on to pay the expenses of a domestic row between the citizens of the locality. There might possibly be in the case put by the hon. gentleman from Victoria, where it was entirely on government property, or where the parties employed, as in the illustration he gave, were navvies, not citiezns of the place. In such a case I admit there might possibly be good reasons why the government should pay the expense of the militia, but in the cases mentioned in the motion before the House, it would be a monstrous proposition to ask the people of Canada to pay for the consequence of the indifference and supineness of the authorities of those two places, who simply for popular reasons hesitated about checking their own people from resorting to arms. The papers will be brought down in due time.

The motion was agreed to.

## LABOUR STRIKES—MOTION DROPPED.

The Order of the Day being called :

By the Honourable Mr. DAVID :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid upon the table of the Senate :

1. List of all labour troubles or strikes in the Dominion within the last five years.
2. The reasons or causes of each of such strikes, their duration and the number of men affected.
3. Cases where the Department of Labour intervened, and the result of such intervention and what happened or how the troubles or strikes ended when the department did not intervene.
4. Whether the militia was called out on the occasion of these labour troubles or strikes, and how much it did cost in each case.
5. Copies of all papers, resolutions and correspondence in connection with these labour troubles or strikes and the settlement of difficulties between labour and capital by means of an arbitration board.

Hon. Mr. SCOTT.

Hon. Mr. DAVID—In view of what I have heard, that there is to be a Bill before the House of Commons relating to the same matter, I think it might be better to ask that the Order of the Day be dropped.

Hon. Mr. SCOTT—All the papers have been brought down already, so the order may as well be discharged.

Hon. Mr. DAVID—Unless some hon. members wish to discuss the question, I have no special reason to let the motion stand, and in view of the Bill which is to come before the House, I do not think it is necessary to bring on the discussion now.

The motion was dropped.

## CONTRACTS FOR SLEEPERS FOR NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Have Messrs. Gendron & Desmarais, of Hull, and Mr. J. Hearn, of Quebec, obtained collectively, or any of them for the others, or either of them for himself, the contract for furnishing sleepers upon the Transcontinental Railway ?
2. To whom has the contract been awarded ?
3. For what quantity of sleepers, and at what price?
4. Has a money deposit, as a guarantee for the execution of the said contract, been made ?
5. For what amount, for what period, at what date, and to whom was this deposit remitted ?
6. On what date did 'The Canada Gazette' publish the official notice asking for tenders for furnishing the sleepers in question ?

Hon. Mr. SCOTT—The answers are as follow :

1. Thomas Desmarais, of Hull, sent in two tenders for railway ties, viz.:—

One for 210,000, at 50 cents for 1st class, 46 cents for 2nd class, each. (This tender was assigned to John G. Hearn, of Quebec.)

Another tender for 335,000 ties, at 50 cents for 1st class, and 46 cents for 2nd class. (This tender was afterwards withdrawn ; the reason assigned, could not fill the contract ; no security deposit accompanied this tender.)

2. A contract was awarded to John G. Hearn, of Quebec.

3. 210,000 ties, at 50 cents for 1st class, 46 cents for 2nd class, each ; 335,000 ties, at 57 cents for 1st class, 44 cents for 2nd class, each.

4. Yes.

5. Accepted cheque for $10,332 deposit on contract for 210,000 ties, July 30, 1906. Accepted cheque for $18,224 deposit on contract for 335,000 ties, September 20, 1906.

The above security deposits were handed by J. G. Hearn to the Commissioners of the Transcontinental Railway.

## RAILWAY CONSTRUCTION AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired :

Who has the right to build and who is virtually causing to be built :

1. That section of railway which, leaving the northern extremity of the Quebec bridge, runs, in a direction parallel to the River St. Lawrence, towards Champlain wharf, in the city of Quebec ?

2. That other section of railway which, leaving the northern extremity of the Quebec bridge, runs, in a direction at right angles to the River St. Lawrence, towards the line of the Canadian Pacific Railway ?

Under authority of what law is the building of each of these sections taking place ?

Hon. Mr. SCOTT—The answers are :

1. The Quebec Bridge and Railway Company.

2. (a) The Canadian Northern Quebec Railway Company, under the chartered powers conferred upon the Quebec, New Brunswick and Nova Scotia Railway, are building a line of railway from where the central line of the location of the said railway crosses the southerly limit of the main highway leading from Cap Rouge to St. Louis road, Quebec, to the boundary line between the counties of Portneuf and Quebec. (b) The Transcontinental Railway Commission have under contract the line of railway from the Quebec bridge westerly to La Tuque, and the construction work is under progress in the vicinity of Cap Rouge. (c) The authority for building each of these sections is as follows :—The Quebec Bridge and Railway Company, under statutes 50-51 Vic., c. 98 ; 54-55 Vic., c. 107 ; 60-61 Vic., c. 69 ; 63-64 Vic., c. 115 ; 3 Edw. VII., c. 177 ; 3 Edw. VII., c. 54. The Quebec, New Brunswick and Nova Scotia Railway Company, 3 Edw. VII., c. 178. The Transcontinental Railway Commission, under the National Transcontinental Railway Act of 1903 and amendments thereto.

## SPECIAL PASSENGER TRAINS ON INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired :

On what conditions, and at what price per mile run or time occupied, do the authorities of the Intercolonal Railway furnish a special passenger train upon their line ?

Has a superintendent, or any officer whatsoever of the Intercolonial Railway, the right, on his own authority, to run a special passenger train gratuitously ?

Hon. Mr. SCOTT—The tariff for special passenger train is one dollar per mile, with no less charge than $15. Passengers are to hold regular transportation in addition to the above. No superintendent or any officer whatsoever of the Intercolonial Railway has the right, on his own authority, to run a special train gratuitously.

## THE COURT MARTIAL OF TELESPHORE ROY.

MOTION.

Hon. Mr. LANDRY moved :

That an order of this House do issue for the production before this House of all papers, orders, rules, charges, reports of inquiries, evidence, and judgment rendered, by any council of war or court-martial whatsoever, concerning a soldier of the ordnance corps by the name of Télesphore Roy, at Quebec, accused and found guilty of any offence whatsoever, and sentenced on that account to cells and hard labour ; together with all documents relating to this matter, before and after the charge and the judgment of the military court; the names of the complainant, of the officers who sat on the court-martial, of the defender of the accused, of those who confirmed the judgment; and a copy of the record upon which were based both the judgment of the court-martial and the confirmation by superior authority of the judgment rendered.

Hon. Mr. SCOTT—I have not had an opportunity of consulting anybody about this. If the report can be brought down, I shall be very glad to bring it.

Hon. Mr. LANDRY—I think it should be produced in justice to the department. There is a paper published in Quebec which some time ago gave the details of a very sad case which tells against the Militia Department. I will translate the article, and move for the return in justice to the Department. Here is what the paper said :

The new Deputy Minister of Militia is a young, able man most anxious it is said to fulfil the duties of his position.

We draw his attention to a case which calls for some explanations.

Some time ago an employee of the military stores obtained his annual leave of absence, the end of which coincided with the end of his time of service as a soldier.

Before the expiration of his leave of absence he went one day to his quarters where he met one of his principal superior officers. He was asked by him to re-engage at the expiration of his time of service, but he peremptorily refused without, however, giving any reason for his refusal. But being pressed by his superior the private yielded to his solicitations and told of the complaints that he had against one of his immediate superiors. It was his misfortune. The following day he was arrested, locked in the cells, where he remained eighteen days before appearing before the military court. As that happened in the last days of November one will easily realize how little heat was to be found in the stone compartment where the prisoner was detained. And though sick at the time, his cell was never heated, nor did he receive any medical assistance.

One would believe that these horrors occurred in Russia and not in Canada, and we certainly would not have given any credit to the story if it had been told to us by the prisoner, but we hold it from a distinguished superior officer, whose name we cannot divulge.

There are, no doubt, in our militia, officers who abuse of their authority. The one to whom we allude is not at his first fault.

How could you expect that our French Canadian population could be drawn into the militia with such facts bursting under their eyes? It is greatly time that Ottawa should look into the matter.

That was published in Quebec and distributed amongst the people. I thought, in justice to the Militia Department, we should be in a position to know whether those accusations are well founded or not, and I want to give the department an opportunity to defend themselves.

Hon. Mr. SCOTT—I do not know what the rule is with reference to making public the evidence given before a court martial and the result. However, the motion in the meantime can go and I will see that the matter to which the hon. gentleman has called the attention of the House is brought before the Minister of Militia, because the case requires further inquiry. Certainly, if the statements made in the article which has been read to the House are true, somebody is very much to blame for improper and tyrannical treatment of an innocent man.

Hon. Mr. LOUGHEED—If there be any practice in the Militia Department such as is indicated by the hon. Secretary of State, by which there is a suppression from the public of evidence taken at a court martial, and particularly in a case where such a gross act of injustice has been perpetrated as has just been disclosed in the article read by my hon. friend, such practice should be not only discontinued but denounced in the very strongest language. If there is any such tyranny practised as is indicated in the article which has just been read, then I say the duty of the government is plain, is manifest that all practices of refusing publicity of evidence should be disregarded and full justice should be done in the matter.

It seems to me that court martials are a relic of the days of military tyranny, and it is impossible to conceive that there can be in this age a loyal adherence to any military body where the man himself, the private, the man who has not the influence of the officer, is not fully assured of having ample justice done him in a case which may come before his superior officers. I cast no reflection whatever upon military officers, but we know that many of the military officials have not been in the habit of meting out that justice to the men which they would receive from a civil tribunal, and there is no manifest reason whatever why the men belonging to the military bodies of the Dominion, or any other country should not be assured of the same justice being meted out to them at the hands of a court martial as at the hands of a civil tribunal. I hope my hon. friend will not hesitate for one moment in this case to see that a thorough investigation takes place, and if such abuses as has been indicated by my hon. friend exist, that the guilty party shall be brought to justice.

Hon. Mr. DOMVILLE—I have had a great deal of experience in these matters, having commanded a cavalry regiment for 20 years, and I should like to say to my hon. friend that he is entirely wrong as to the arbitrary powers of a court martial, whether it is an officer or a man. If it is a man, he is tried by officers; if it is an officer he has to be tried by his superior officers, and the finding of that court martial has to be confirmed by the general officer commanding the district, whatever he may be. We have seen it in England, in the navy and in the army. We have seen them reverse the decisions of the court martial; or rather, they would not affirm them. My hon. friend is wrong

in his conclusions. I do not find any fault with the hon. gentleman who has brought this motion before us. It is right that the case should be investigated, but the hon. gentleman fom Calgary assumes that these statements are correct, and then he leads us to suppose that the discipline of the army could be carried on without a court martial. I leave it to my hon. friend, the member from Stadacona who makes this motion, to say how impossible it would be to run a regiment and to carry on the command in a corps if the superior officers had not some power to act. If you come to a criminal offence, then the officer simply hands over the offender to the civil authorities and lets them deal with it. Am I correct ?

Hon. Mr. LANDRY—Yes.

Hon. Mr. DOMVILLE—I cannot see why there should be an attack on the militia law in regard to court martials. They are very necessary. If my hon. friend had had the same experience as I have had, he would know that it is impossible to carry on a command without them, and no commanding officer who is really a good officer ever permits an arbitrary sentence to be carried out. From my own experience in the militia, they have erred on the side of being lenient to the offenders, recognizing the fact that although they may be soldiers enlisted for three years under the British North America Act, which is embraced with the King's regulations of England, that under these regulations all over the world an allowance is made for volunteers. If you are not going to have volunteers, say so, or if you are not going to have discipline, say so. If you turn them out and say there is no power to punish them and they can do as they like, then you will get away from the idea of having the force under control. I am not going to say whether what the hon. gentleman has read to the House is right or wrong. He does not say it is so. He merely reads it to the House. If that newspaper report is right, then there has been a flagrant wrong. I do not know what the regulations are, but I cannot see how the man could be put in the guardroom and held there for eighteen days without trial. Under the regulations he must have a trial in so many hours. I think we should look at this matter in a moderate way and not inflame the public and not injure the militia of Canada by publishing these statements. When a man is charged with an offence he has a right to have counsel appear for him. It is quite true that the public are not admitted, because it is a private inquiry. It is hard enough now where you draft young boys, recruits, not knowing what is imposed upon them, and they do not know that the discipline will prevent them from doing as they please on occasions. I once tried a man. He deserted from one regiment and went into another. I could not get him back from the commandant. I looked up the regulations and I found he was a deserter. I sent to the other line and had him brought out by force, and I frightened the life out of the other officers. I said : 'Now gentlemen, we do not allow blackguards in the 8th Princess Louise Hussars, and I struck his name off the service roll. That was against the Queen's regulations, but I took upon myself to do it. I stripped him of his coat and trousers and everything he had that was the property of the Crown, and put him in the bush. That was drastic treatment, but it was sufficient to show the regiment that discipline must be maintained, and that the commanding officer did not desire to have punishment for punishment's sake. The hon. gentleman from Calgary, on thinking the matter over, will see that to throw any difficulty in the way of the Militia Department, I do not care which side of politics they are—the Militia Department were very good in the Conservative regime and certainly are very good under the present regime—would be very unfortunate. It would be extremely unwise for this Senate to affirm the principle that a man cannot be punished by court martial and that military trials should be eradicated from the Militia Act, because if you do that you strike at the fundamental principles of the soldiers life. As to whether this man has been unduly punished or not, it is quite proper to discuss the question, and if those who undertook to punish him exceeded their duty, they should themselves be punished.

Hon. Mr. CASGRAIN (De Lanaudiere)—I do not know what the hon. gentleman from Rothesay thinks of court martials generally, but I should like to have his opinion of the court martialling of Dreyfus.

Hon. Mr. DOMVILLE—That is in another country.

Hon. Mr. LANDRY—They have done away with the court martial in France. I did not say a word on the merits of the case at all, I do not know sufficiently what they are. I just put before this House an accusation brought before the public by a Quebec paper. I am asking for all the correspondence in relation to that case so that we may see what really happened at the time. I will now say a word of court martials, or of the putting of a man under arrest. I always understood that the newer divisions of higher commands was made to decentralize the administration of our militia so that everything could be done in the different districts. I will relate to this House what took place some three or four weeks ago. A young student in Laval University was attending a voluntary military course in Quebec. On entering the course he became subject to the military law. One day he failed to do his duty. I think as an officer of the day he failed to come at the proper hour. He was put under arrest. Every one knows that when a man is put under arrest by his commanding officer he cannot afterwards be released from his arrest except by superior authority.

Hon. Mr. DOMVILLE—Quite right.

Hon. Mr. LANDRY—He was put under arrest and the case was reported to the District Officer Commanding of the district, who did not choose to act on the merits of the case. He reported to the high command at Montreal.

Hon. Mr. DOMVILLE—That was wrong.

Hon. Mr. LANDRY—And the high command reported to Ottawa. An arrest cannot last more than 7 days. Well the 7 days were passing by, so that they were obliged to renew the whole thing, and that young man was all the time under arrest, could not do anything at all, was obliged to report every two or three hours at his quarters. Finally he got tired and sent in his resignation. He said: 'I will get out of the militia; I do not want to remain there.' Finally the report came back from Ottawa. There was something missing. They wanted additional information. At Quebec they answered 'It is useless to give the information, the chap has gone.'

Hon. Mr. DOMVILLE—He was punished by that time.

Hon. Mr. LANDRY—So the thing fell through. I think all those punishments should be administered in the proper way. If a man is guilty he should be punished; there is no doubt about that; and if he is not guilty there is no use keeping him fifteen days under arrest to ascertain whether he is guilty or not.

Hon. Mr. DOMVILLE—If the facts of this case, as stated, are correct, it is a discipline that is not in accordance with the spirit of the age, because such a proceeding was never intended. My hon. friend knows you cannot arrest a sergeant. You could in olden days.

Hon. Mr. LANDRY—But an officer could be put under arrest.

Hon. Mr. DOMVILLE—He must be reported to the orderly room. I cannot believe that the facts related in this matter are correct. There must be some mistake about it. If these statements are correct, it is not the fault of the Militia Department, it cannot be the fault of the general, and certainly it is not the fault of the Minister of Militia. It is probable that some District Officer Commanding down there has exceeded his duty and done something absolutely wrong.

Hon. Sir RICHARD CARTWRIGT—I would say to the hon. leader of the opposition and the hon. gentleman who made this motion that I rather think the analogy, if there is any analogy, between the civil and military proceedings, would lie as respects a similar application made for a case tried before the ordinary civil courts. I speak under correction, but I do not at this moment remember any motion having been made in parliament in any case, for the proceedings the records or the evidence taken in an ordinary court of justice? Does my hon. friend recollect any such motion ever having been made?

Hon. Mr. LANDRY—I do not recollect any such motion having been made.

Hon. Sir RICHARD CARTWRIGHT—I do not think it has been made. I agree with my hon. friend that this motion should only be granted conditionally.

Hon. Mr. LANDRY—I am satisfied.

Hon. Sir RICHARD CARTWRIGHT—We cannot, without consideration, establish a

precedent in these matters which might be detrimental to the general service, although I fully agree that both in this House and in the other House, if any instance of oppression or any instance of wrong-doing on the part of either civil or military authorities, comes to the knowledge of any members of the House, they are perfectly entitled in either House to speak of it and to call the attention of the government to it. I do not mean to dispute my hon. friend, but he will observe that as a general rule the proceedings of court martials have some analogy to the proceedings of an ordinary civil court of record, and I think it would be found to be convenient that we should preserve the same rule in dealing with the one as in dealing with the other. I speak subject to correction. The matter is one of some importance, and it will be inquired into.

Hon. Mr. LANDRY—I will accept the suggestion of the hon. minister and let the motion pass, and let the department judge of the whole matter. If it is to their advantage to do it they will do it.

Hon. Mr. LOUGHEED—I would say in answer to the interrogatory of the right hon. gentleman—because he has put it as a question—that there is scarcely any analogy between the two cases here referred to. In the case of the evidence taken at a court martial, unless the government willingly divulge it, of course it is impossible to secure a copy of it; but in the case of a civil investigation before the courts the evidence is accessible to every man, woman and child who may make an application for a copy of it, or an application to peruse the proceedings. Therefore, I say that if there is such a practice as that indicated by my hon. friend the Secretary of State it is clearly unjust to the man, because it establishes a kind of star chamber proceeding by which it is utterly impossible for the public to determine whether justice has been done. If the proceedings are not to see the light of publicity, it is impossible to determine whether those officers are administering justice as fairly as a civil court would administer it. The statement I make is not intended to throw discredit on the court martial, except to say that there is a tendency to do injustice on account of the seclusion and privacy which they enjoy. My remarks were calculated to lay down the principle that any soldier joining the militia in this Dominion should be at least assured of having as full justice and equity dealt out to him with respect to any contravention of discipline as any individual contravening the civil law.

Hon. Mr. DOMVILLE—He has all that. He has an action at law if he is wrongfully punished. There was a case at Jamaica where they signalled the captain of a man-of-war, some sixty years ago, ordering him to go into action. He would not go into action. He was tried by court martial for his refusal to obey when they signalled him and his answer was 'My ship was not fit to fight, as she was in no condition, and I acted in the interests of the British nation and all the men on board the ship in declining to go into action.' He was tried by court martial. The case is a very well known one. He was fined five thousand pounds. He appealed against it, and won in the law courts, because they had no right to impose a penalty as he was doing what he thought was right. And so it is now. No officer is without the right of appeal to the civil courts if he is unjustly punished in any respect.

The motion was agreed to.

## LOCATION OF GRAND TRUNK PACIFIC.

INQUIRY.

Hon. Mr. FERGUSON inquired:

Whether the location of the Grand Trunk Pacific or National Transcontinental Railway through the Yellow Head Pass, in the Rocky mountains, has been approved by the Railway Commission, or the government, or both, and if so, will the terminus of the National Transcontinental Railway on the Pacific ocean be established at or near Prince Rupert?

He said: Hon. gentlemen will remember that when the National Transcontinental Railway Bill was before parliament in 1903, in both Houses the assurance was given that the route of that railway was to be through the Peace River country, the Pine River pass, or the Peace River pass, and by such outlet through the Rocky Mountains to Port Simpson or some place in that vicinity on the Pacific Ocean. It will also be remembered that the distance given during the discussion in both branches of parliament in 1903, and the distance mentioned in the other branch of parliament in 1904, of the Mountain section of the National Transcon-

tinental Railway was to be 480 miles. The modified contract came before this branch of parliament in 1904, and my hon. friend the Secretary of State gave a very different distance in regard to the mountain section. He informed parliament that the distance through the mountains would be 766 miles, an increase of nearly 60 per cent on the length of the road through the mountains as given the previous year in both branches of parliament, and as given in the Commons in the year 1904? I endeavoured then to get some information and some explanation of this extraordinary discrepancy between the length of the mountain section of that railway as given in the House of Commons and given in this House the same year, as my hon. friend will, I am sure, remember. I have taken the pains to revive my own recollection on the subject by reference to the Hansard of 1904. He explained that in consequence of some very important deviations that were necessary to be made about the head of the Skeena river, and through the necessity of following the route of that river, it was found the length of the mountain section of the road would be very largely increased. I have in my hands a document issued recently by the Interior Department, in which is indicated a route marked upon a plan or a map showing that the Grand Trunk Pacific enters the mountains through the Yellow Head pass and then pursues a northwesterly course through the province until it is made to reach the Pacific ocean in the vicinity of Port Simpson, or the place that is now given the name of Prince Rupert, and a glance at the map will convince any person that this distance will be about the distance given by the hon. Secretary of State when he addressed the House on this question in 1904—somewhere between 750 and 775 miles. I may say that it would be impossible when you come to examine the profile carefully to make the railway 766 miles long in the mountains, if you went through the Peace River pass. That seems to be an utter impossibility. But the route indicated on this map from the Interior Department, through the Yellow Head Pass and terminating at Port Simpson, would be quite consistent with the longer distance given by my hon. friend the Secretary of State in 1904. Therefore it would seem, although my hon. friend did not appear to be aware of it, that it was in contemplation at that time to use the Yellowhead pass. The subject becomes one of vast importance, because all the calculations that were made during a very lengthy discussion in both branches of parliament in 1903 and again in 1904 were based on a length of the mountain section of 480 miles. The hon. gentleman must remember very well that the increase of the mountain section by over fifty per cent means an enormous increase in the obligations to be assumed by the government of Canada, and it is for the purpose of throwing light upon this subject, which stands in a very peculiar position at this moment, that I ask this question of my hon. friend. I do not want the government to disclose any private information as to the exact spot located for the terminus on the Pacific ocean. There might be reasons why it would not be convenient for them, but there is no reason why parliament should not be informed whether the original intention is being still carried out with regard to the terminus at or near Port Simpson or Prince Rupert. That is my object in asking the question of which I have given notice, and I may say that I also want it for the purpose of our being able to weigh more clearly questions arising in connection with this National Transcontinental Railway. If it be correct now that Yellow Head pass is the route that is selected for the National Transcontinental Railway, all the plausible arguments that were addressed to this House and to this country about the great advantages that were to arise from opening up the Peace River country were simply valueless. However, I have just disclosed the reason for asking the question, and I leave it to my hon. friend to give us whatever information the government is willing to vouchsafe at this juncture. The publication I have in my hand is : 'The last best West ; Canada in the Twentieth Century.' It is issued under the direction of the Hon. Frank Oliver, Minister of the Interior, Ottawa, Canada.

Hon. Mr. SCOTT—I shall endeavour to obtain some local information from gentlemen who should be familiar with it. During our debate on the National Transcontinental Railway Bill a great deal of the argument must have been hypothetical, because we

had not full information. It was predicated on the assumption that the two passes, to which my hon. friend has referred, were feasible and likely to be adopted as enabling the railway to be built through the Peace River country. Now it is found, on an examination by the engineers, that the Yellow Head Pass route is preferable, and that is the route, as I understand, that has been adopted. I am speaking subject to correction. The answer handed me by the officials to my hon. friend's question reads in this way :

(a) Yes, by the government, by order in council, dated 24th November, 1906.
(b) The route map shows the line of the National Transcontinental Railway, approved, to Prince Rupert on the Pacific coast.

## REVISED STATUTES BILL.

### COMMONS AMENDMENTS CONCURRED IN.

The Order of the Day being called :

Consideration of the amendments made by the House of Commons to (Bill B) An Act respecting the Revised Statutes, 1906, and to provide for the French version thereof.

Hon. Mr. SCOTT—I desire now to call the attention of the Senate to the amendments made to this Bill, which passed through this House, but was amended slightly in the other chamber. The first amendment to which I desire to call attention is in section 3 of the Bill. That clause reads as follows :—

The revised statutes of Canada, 1906, being as contained in the roll mentioned in section 1 of the Act 3 Edward VII., chapter 61, are hereby confirmed and declared to have and to have had, on, from and after the first day of January, 1907, &c.

Those lines have been struck out and the figures '30' inserted before 'the first day of January.' At the time the Bill passed, it contemplated bringing the Act into force the first day of January, but that has been found impossible in consequence of the index not having been ready, and therefore it is proposed now, as amended in the House of Commons, to bring the Act into operation on the 31st of January, and so the change is made.

Hon. Mr. LOUGHEED—Will the French version be then ready?

Hon. Mr. SCOTT—Oh, no ; not for some months. It cannot possibly be ready in the natural order of things until the final revise is made. It is quite impossible to make any progress with the French version, because the changes made simply meant throwing aside the translation which had been prepared two or three days before. The revision of the statutes involves so many changes and alterations that it is hard to say when the final will be reached ; therefore it was hopeless to make any translation until it had been made up in the shape of a roll and passed out of the hands of the reviser.

Hon. Mr. LOUGHEED—Can my hon. friend say how many copies of the English version will be ready for distribution by the end of January?

Hon. Mr. SCOTT—I think there will be three thousand copies.

Hon. Mr. LOUGHEED—Is the index to the English version now ready?

Hon. Mr. SCOTT—No ; they are endeavouring to get it ready by the 31st.

Hon. Mr. LOUGHEED—It seems to me my hon. friend is taking a very short time. A week from to-morrow will be the end of January.

Hon. Mr. SCOTT—I move that the House concur in the amendments made in the House of Commons to clause 3 of the Bill.

Hon. Mr. LANDRY—What is the purport of the change erasing these words 'as contained in the roll mentioned'. And the erasure in clause 10 to have superseded the French version of the roll mentioned in section 1 of the Act 3 Edward VII.

Hon. Mr. SCOTT—The only explanation I can give is that they must have been regarded as surplusage—nothing else. I see no particular advantage in their being there or not being there. We are making the revised statutes as they exist to-day the law of the land, so that the reference to the roll seems quite unnecessary. I move concurrance in that amendment.

The motion was agreed to.

Hon. Mr. SCOTT—Then in section 10 there is a verbal change, the words 'translators to revise' being struck out, and the words 'persons to prepare,' be inserted. Then the word 'translator' is struck out, and then the word 'they,' referring to the

persons to prepare. The word 'ratification' is struck out, and the word 'version' substituted for it. It is purely verbal. There is a change in the order of the sections. What was section 17 before, is now made a subsection of 15. The words struck out there are 'An Act respecting the revised statutes, Edward VII, chapter 61, and it now reads in this way. 'The last mentioned Act and the Act amending chapter 36 are hereby repealed. What was section 15 before is now section 16. Then the figures 30 are added before the 'first,' bringing it into operation on the 31st of January.

Hon. Mr. LANDRY—I see that the amendment proposes to amend one of the titles.

Hon. Mr. SCOTT—Yes. The title is 'An Act respecting the Revised Statutes of Canada, 1906.' The words 'and to provide for the French version thereof' are struck out. I move that those amendments be concurred in.

Hon. Mr. LANDRY—The amendment says 'After legislation insert corrected.' That is dividing the sub-head of that section. If you take clause 16 and make it 16 (2) where will you put your sub-head.

Hon. Mr. SCOTT—What was clause 14 we make 16. Clause 16 becomes 14 and 16 is now 15, and then comes in clause 16 with a subsection 2 which was formerly section 17.

Hon. Mr. LANDRY—I move in amendment that these amendments be not concurred in now, but that they be concurred in this day six months.

The amendment was declared lost.

The motion for concurrence in the amendments was carried on a division.

The Bill was then passed with the title as amended.

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to ask my hon. friend a question in regard to what we discussed yesterday as to what knowledge he has with reference to the repairing of the cable or re-establishing recommunication with Prince Edward Island ?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The House meets at 2 o'clock on Wednesdays, and there is no meeting of the cabinet on that day. They have short meetings on every other week day. Therefore, unfortunately, I was unable to see any of my colleagues this morning. I, however, telephoned to Mr. Fisher, who was acting Minister of Public Works, but I was unable to reach him. I think I can assure my hon. friend that the government feels the importance of prompt action and are taking all necessary steps. I do not think they are likely to deal very much with the Anglo-American Company. I fancy they have lost confidence in that concern.

Hon. Mr. FERGUSON—Perhaps to-morrow we will have an answer.

Hon. Mr. SCOTT—Perhaps.

The Senate adjourned until 3 o'clock to-morrow.

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# THE SENATE.

OTTAWA, Thursday, January 24, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## MUTUAL RESERVE LIFE INSURANCE INVESTIGATION.

### INQUIRY POSTPONED.

Notice of motion being called :—

In the evidence given by Mr. Eldridge in the Mutual Reserve Life investigation, recently held in New York, he sated that it had cost the company $24,000 to get the legislation through the Senate and Commons of Canada in 1904. I shall move that the company be required to furnish the names and detailed statements of the amounts paid, if any, to senators or members of parliament in Canada, or to the respective firms to which they belong, in connection with the said legislation, and copies of all cheques issued and receipts given therefor.

Hon. Mr. McMULLEN—I have been requested to allow this motion to stand for a few days, and I have no objection to do so.

Hon. Mr GIBSON—Before the hon. gentleman's request is granted, some explanation is due to the honour of members of this House whom he charges, I think unfortunately. At all events he requests the government to furnish the names and detailed statements of the amounts paid, if any, to Sen-

ators or members of parliament in Canada or to the respective firms to which they belong, in connection with the said legislation, and copies of all cheques issued and receipts given therefor. The hon. gentleman from Wellington states that in Mr. Eldridge's evidence in the Mutual Reserve Life investigation, recently held in New York, it is alleged that the company expended twenty-four thousand dollars to get legislation through the Senate and parliament of Canada in 1904. I do not know what my hon. friend is quoting from, but I have read the evidence taken by the Legislative Insurance Investigation Committee, volume 5, 1905, as the evidence of what Mr. Eldridge did say. It is the official record of the investigation that took place in Albany, and I know my hon. friend from Wellington——

Hon. Mr. McMULLEN—I rise to a question of order. If the motion is allowed to stand, the matter will come up again for discussion.

Hon. Mr. GIBSON—But I object to the notice remaining on the order paper in its present shape. It is a reflection on members of both Houses as having received a consideration for their services in regard to an investigation that took place in this building.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. GIBSON—And I am sure my hon. friend, when he considers the whole question, will take the evidence from the books instead of from hearsay, or from the printed records, which we have every reason to believe are authenticated by the government of the state of New York, the official testimony taken before the Legislative Investigation Committee of the state of New York, by authority of a joint resolution of the legislature, &c., at a session held July 10, 1905, on a resolution of which the following is a copy :—

Resolved that a joint committee be appointed consisting of three members of the Senate and five members of the assembly, which committee shall after the adjournment, proceed to investigate and examine into the business and affairs of life insurance companies doing business in the state of New York, with reference to the investments of said companies, the relation of the officers thereof to such investments, the relation of such officers of such companies to subsidiary corporations, the government and control of such companies, the contractual relations of said companies to their policy-holders, the cost of life insurance, the expenses of said companies, and any other features of the life insurance business deemed by the committee to be proper for the purpose of drafting and reporting to the next session of the legislature such a revision of the laws regulating and relating to the life insurance.

Now this is what I am to quote from, and then I have no objection to my hon. friend proceeding to lay a charge against any one he pleases in connection with the extraordinary expenditures of that company. But he goes further than that, and asks this House to declare itself, so to speak, as verily believing certain members of this House and of the House of Commons were paid for their services in connection with the investigation which took place.

Hon. Mr. McMULLEN—I deny making any such charges whatever. I want to exonorate the members of this House and of the House of Commons from the charge of having received money. That is my object ; it is not to condemn them. The statement is made that a certain amount of money was spent for the purpose of securing legislation in this parliament. I want to show that no member of the Senate or the House of Commons received a bribe. I want to know if this discussion is in order?

Hon. Mr. TESSIER—Is there any question before the House ?

The SPEAKER—There has been no question put before the chair, but the hon. gentleman from Wellington has moved that this motion stand adjourned until another day.

Hon. Mr. LANDRY—It has not been put from the chair.

The SPEAKER—It is moved by the Hon. Mr. McMullen, seconded by the Hon. Mr. McDonald (Cape Breton), that this motion be postponed until Thursday of next week.

Hon. Mr. POWER—It is unusual to undertake to discuss a question which the mover desires to have postponed ; but I wish to say this to the hon. gentleman from Wellington, that inasmuch as this notice of his seems to reflect upon the honour of the members of this House, it is his duty if, as he says, he wishes to exonerate the members of the Senate, to proceed at the earliest possible day; and I am sorry to find that he proposes to put the matter

off another week, leaving this notice to remain on the paper.

Hon. Mr. McMULLEN—My reason for doing so is simply this : I am promised information with regard to the matter which has not reached me yet. It may be here tomorrow or the following day, and I have been requested to allow the matter to stand.

Hon. Mr. GIBSON—It is for that very purpose that I rose as I did, in all kindness to the hon. gentleman from North Wellington, to give him time to reflect on the unfortunate language he uses in his motion.

Hon. Mr. McMULLEN—I want to know if my motion is to be discussed now ?

Hon. Mr. WILSON—The hon. gentleman from St. Catharines has a perfect right to express his views why this motion should not be delayed and, therefore, has a right to speak.

The SPEAKER—The discussion should be limited to the demand for adjournment.

Hon. Mr. GIBSON—I am not going to traverse the field of all the investigation in the city of Albany in regard to this or any other question, but if my hon. friend's desire was to do as he has stated in his remarks, he has been most unfortunate in the language he has used with regard to the honour and dignity of parliament. He proposes to move that the company be required to furnish the names and detailed statements of the amount paid, if any, to senators or members of the House of Commons in Canada or to the respective firms to which they belong in connection with the said legislation, and copies of all cheques issued and receipts given therefor. Now as my hon. friend has been waiting for certain documents before proceeding with this resolution, I was simply in all kindness trying to give him a start with the facts of the case as they are under my hand.

Hon. Mr. LANDRY—That is out of order.

Hon. Mr. GIBSON—I am not out of order. The hon. gentleman is withdrawing this statement, and asking the House to let him withdraw it. When the House gives him the privilege, surely he has.

Hon. Mr. McMULLEN—I have made no such request.

The SPEAKER—The motion is not to withdraw, but to adjourn the motion.

Hon. Mr. GIBSON—He asks to withdraw it, because he has not got certain documents ; but at the same time he starts out with a certain declaration that, according to the evidence given by Mr. Eldridge in a recent investigation, it cost the insurance company $24,000 to get legislation through the parliament of Canada.

Hon. Mr. McMULLEN—I said nothing of the kind. The hon. gentleman must not put in my mouth language that I did not use.

Hon. Mr. GIBSON—I am reading the document which is in print before every member of this House. I only want to read to the House the names of the gentlemen who composed the committee which investigated the affairs of the Mutual Reserve Fund Life Association. The committee started with a small number, but was increased from time to time during the investigation, because the importance of the matter demanded it. I am not here and never have been here for the purpose of defending the Mutual Reserve or any other company that does business in a dishonourable way in Canada ; but I have the right, as a member of this House, to see that the honour of the Senate is unsullied before the public.

Hon. Mr. McMULLEN—I rise to a point of order. The question is the postponement of this motion. The Speaker has said that the remarks must be confined to that question, and I want to know if the hon. gentleman is in order ?

The SPEAKER—I am afraid the hon. gentleman from St. Catharines is travelling somewhat afar from the question.

Hon. Mr. GIBSON—I want to——

Some hon. GENTLEMEN—Order, order.

Hon. Mr. GIBSON—I object to the adjournment, and the Speaker ruled I was in order in doing so. I am speaking of that now and I am showing the reason why there should not be an adjournment of this motion. I say the honour and dignity of this House demand that the question shall be settled now and for ever. If the hon. gentleman can name any member of that committee, of which he was a member, or name any hon. senator as deserving of having such

language applied to him, let him say who it is that have been paid in connection with that affair. The statement is entirely at variance with the practice of the state legislature of New York and commissioners in the city of Albany. This matter should not have been delayed for one year, and it is the duty of my hon. friend, who has the honour of this House as much at heart as any one, to name any member of the Senate who has received compensation in connection with the investigation which took place before that committee. I took my share in the investigation. Certainly it was not a pleasant duty, but so far as my judgment goes I do not believe there is a single gentleman for or against the committee who is dishonourable enough to accept one dollar at the hands of any corporation or private individual.

Hon. Mr. CLORAN—I was intimately associated with this investigation for nearly two years. I got abuse but I did not get dollars. I was called 'the chairman of a discreditable committee,' but before this country to-day, and before the policy-holders of the civilized world, that committee stands with credit instead of discredit to its name, because owing to the investigation of that committee, the evidence of which was suppressed by the newspapers of this country, the government and legislature of New York State learned that their Superintendent of Insurance was paid from $20,000 to $40,000 for changing reports on behalf of the Mutual Reserve Life Association. The matter was brought to the attention of the legislature through our investigation. An investigation was ordered by the legislature and the government of the state. If we failed largely in persuading this honourable House to believe the facts which were brought out by that committee in regard to the administration of that company, it was largely due to that man Eldridge.

Hon. Mr. POWER—I appeal to the hon. gentleman from Victoria to confine his remarks to the subject before the House. He is now going into the history of the whole matter, which is out of order.

The SPEAKER—I would request the hon. gentleman to limit his remarks to the motion of the hon. gentleman from Wellington, to adjourn the matter for a week.

Hon. Mr. CLORAN—That is exactly what I am trying to do. To come immediately to the point, the motion of the hon. senator from Wellington is perfectly in order, and the hon. senator from Lincoln misinterprets his motive and misunderstands his action in the matter. As I read this motion it does not reflect on the Senate or the Commons. To my mind it is an attempt on his part to take away the odium that rests today on the parliament of Canada owing to an investigation held in New York and owing to the statements which I believe to be false, there made by the same Eldridge. The hon. gentleman from Wellington is doing a service to this parliament to disprove the statement made by Eldridge that $24,000 had been paid to corrupt members of parliament, and for sufficient influence to obtain the judgment he secured in regard to that investigation.

Hon. Mr. WATSON—Eldridge does not say so in his evidence.

Hon. Mr. CLORAN—I had the honour of speaking to the chairman of that investigation in New York thirteen or fourteen months ago, when the present Governor Hughes was conducting the investigation, and the question was put to Eldridge, and the amount he mentioned was not $24,000, but $15,000.

Hon. Mr. TESSIER—Did he say that in your presence ?

Hon. Mr. CLORAN—No, I am giving the version which I got from the chairman at the trial which took place a year ago in New York. In the examination of the vice-president of that company the evidence came out that a greater amount had been paid. When did he tell the truth? Was it before the investigation, or the trial in court ? The result of the trial was that one officer of the company was sent to the penitentiary, and I expect the vice-president, Mr. Eldridge, will be sent there also, because it was the smaller officer that was sent when the greater officers were the culprits. Under the circumstances, the hon. gentleman from Wellington has done his duty in this matter. He has not charged that money was paid, but he is asking in this House, in consequence of the statement made by Mr. Eldridge that $24,000 was paid

to secure legislation in this parliament that the information be got from the company as to where that $24,000 went. I believe that Mr. Eldridge did not tell the truth. Under the circumstances, I fail to see why the hon. gentleman from Lincoln should object so strenuously to the notice of motion given by the hon. senator.

The SPEAKER—The hon. member from Lincoln does not object to the motion but to the adjournment of it.

Hon. Mr. CLORAN—The hon. gentleman from Wellington has asked as a favour for himself and other senators to have the motion adjourned awaiting further information. I have some information in regard to the matter myself, and am prepared to go on with the discussion now. I think also that the hon. senator from Wellington has enough information to proceed with the debate if the House insists upon it.

Hon. Mr. WILSON—The charge preferred by my hon. friend against the hon. senator from Lincoln is entirely erroneous. What he objects to is giving publicity to unfounded charges reflecting upon members of parliament. He should proceed with the investigation of those charges as rapidly as possible, so that there will be no reflection on members of this House. I, therefore, agree with the hon. member from Lincoln that this motion ought not to stand adjourned. It would be unfair to the members of this House. When an hon. gentleman insinuates charges against any member or members of this body, he should either proceed with the investigation at once or withdraw the charges. If you read the hon. gentleman's notice carefully you will see that it contains an insinuation.

If parties here are guilty of receiving money, why does he not proceed and show it? Why should he delay this matter? I agree heartily with the views expressed by the hon. gentleman from Lincoln, that the motion should not be postponed until to-morrow or any other time, but should be proceeded with to-day. I feel that it is unfair to us, and unjust that this should be delayed at all, spread on the order paper day in and day out, published in the press and go abroad that there is an insinuation from a man in New York that this legislature had been bribed and induced to take money to pass legislation in the interest of the Mutual Reserve. I do not know whether my hon. friend believes that Eldridge tells the truth or not. I have no great confidence in Eldridge, and I would not feel disposed to place upon the order paper any statement of his which reflected upon this House, which stated that something had been done which should not have been done.

Hon. Mr. BEIQUE—This a matter of more than ordinary importance. It is a matter of privilege for every member of this House, and a special privilege for every member of the committee who sat on that investigation, and for my part if it were stated by Mr. Eldridge that a sum of $24,000 had been expended to obtain legislation in this country, I think it would be but proper to ask for an account of that sum, because it would look to me as being an exhorbitant sum. But I fail to see that the hon. member for Wellington is justified in drafting his motion as he did. He commences by stating that Mr. Eldridge had charged that it had cost the company $24,000 to get their legislation through the Commons and the Senate of Canada in 1904. I say that if this statement is correct—I have just glanced at Eldridge's statement and I do not see anything of the kind, but I have only read it cursorily and I may not have seen the portion where the statement was made. I saw a statement about $15,000, not $24,000, and have seen the statement connected with the further explanation that it was paid to a legal firm and witnesses, and matters of that kind—but even if that statement is correct, I fail to see that the hon. gentleman from Wellington is justified, whether it be $15,000 or $24,000 that has been spent to put legislation through the Senate and Commons of Canada, in asking that the names and statements of the amounts paid to members of Parliament of Canada——

Hon. Mr. LANDRY—If any.

Hon. Mr. BEIQUE—But it contains an inference. The way he has framed it, there is an inference in the first statement that the money must have gone, or is likely to have gone to members of parliament. I say it is unfair to members of this House and an infringement upon the dignity of members of this House, and it becomes a

question of privilege. For my part I am desirous the moment a question of this sort has been put on the order paper, that it shall be inquired into, and I shall vote that the motion be carried out, that a detailed statement be obtained ; but I think the hon. gentleman is in duty bound to use his best endeavours to bring the matter before us as soon as possible. I think we should expedite the matter. It seems to me unreasonable to ask that a matter of privilege of this kind should be postponed for eight days.

Hon. Mr. SCOTT—It is not usual for parliament to take note of idle reports. If we did we would have committees of inquiry constantly at work. No senator and no member of parliament has a right to put a notice of this kind on the paper unless he takes the responsibility of its truth. We constantly hear gentlemen in the House of Commons making charges, and the question is at once put, 'Are you prepared to take the responsibilty of making officially the statement that those charges are true ? If you are, you can have a committee ; if not, you have no right to make the insinuation.' I think my hon. friend would take the wisest course by allowing the proposition to drop, and he may, after more mature consideration, perhaps, place a notice on the order paper when he is prepared to inform the Senate that he has inquired into the facts and he is satisfied there is some foundation for the statement.

Hon. Mr. McMULLEN—If it is the desire of the House to drop the motion and smother it in that way, I shall raise no objection.

Hon. Mr. YOUNG—No, no.

Hon. Mr. McMULLEN—I hope to be in a position to satisfy the House that my statement is correct, that a very large sum was mentioned. I understood it was $24,000. I saw it stated in print in some paper. I am satisfied of that. I have asked for the evidence, but I have not yet received it ; I believe it will be sent to me. If the House considers this motion is out of place and wish it dropped, all right.

Hon. Mr. BEIQUE—No, no.

Hon. Mr. POWER—I regret to be obliged to say that I cannot agree with the Hon. Secretary of State. This notice which the hon. gentleman from Wellington has placed on the order paper, although we know there is really no substance behind it so far as this House is concerned, is calculated to leave the impression upon the minds of people outside of this House that there was something improper in connection with this New York Mutual Reserve business when it was before this House. If the hon. gentleman dropped the matter now, the suspicion in the minds of the people outside the Senate would be strengthened.

Hon. Mr. SCOTT—Oh, oh.

Hon. Mr. POWER—The Secretary of State says ' Oh,' but that is a fact. The feeling of suspicion would be deepened, and we owe it to ourselves to insist that this inquiry shall take place at the earliest possible moment. The hon. gentleman has not taken the usual parliamentary method of proceeding, but having taken the line that he has, it was his duty as a member of this House to have proceeded at the earliest possible moment and not to have kept this imputation hanging over the heads of members of both Houses week after week.

Hon. Mr. FERGUSON—I think it would be most unfortunate for this House, if in consequence of the expressions of opinion that have been given, my hon. friend from Wellington should be compelled to drop the motion at this stage, and as he says he is not now ready, why not say Tuesday next ? If he says Tuesday next, I think that would be a reasonable arrangement. To-morrow would not be a day that we could devote much time to it, and as we are not meeting on Monday, let him say Tuesday, and then deal with it.

Hon. Mr. McMULLEN—I am willing.

Hon. Mr. YOUNG—It is practically a matter of privilege. My hon. friend from Wellington states that just as soon as he receives certain information he is prepared to proceed, and it is not desirable to postpone this motion for any long period. He may be in possession of the information at any time, perhaps to-morrow, and I think the postponement should be as short as possible, so that just as soon as he receives the information the matter may be dealt with.

Hon. Mr. CASGRAIN (de Lanaudière)—I think it should be continued from day to day, and if we are to have an investigation, surely some one is responsible. As it stands at present nobody would be responsible. This is idle talk. I understand that Eldridge is now in jail.

Hon. Mr. CLORAN—Not yet.

Hon. Mr. CASGRAIN (de Lanaudière)—He was going to be. I submit that this matter should be placed in such a position that somebody would be responsible. Surely the Senate would not make the inquiry unless somebody would take the responsibility.

Hon. Mr. GIBSON—I have urged that this matter be proceeded with forthwith, and, with all due deference to the hon. Secretary of State and the other gentlemen who have spoken, I still urge that this motion should be proceeded with.

Hon. Mr. LANDRY—The hon. gentleman has no right to speak again.

Hon. Mr. GIBSON—I made a motion, and can speak in reply.

Hon. Mr. ELLIS—It seems to me the hon. gentleman from Wellington ought to be treated with the same courtesy as any of us would expect to receive. He has framed the motion in a very unfortunate way, but he states that these charges have been made. I infer from his remarks that he does not believe the statements which he refers to in his motion. He may have entered upon a chivalric course unnecessarily, but I think he should not be disposed of summarily. I should be inclined to allow his motion to stand till Tuesday with the understanding that it should then be proceeded with.

The motion was allowed to stand until Wednesday, January 30.

## CIRCULATION OF PUBLIC BILLS.

### MOTION.

Hon. Mr. CASGRAIN (de Lanaudière) moved :

That in the opinion of the Senate, it is desirable that copies of all public Bills introduced in parliament be sent to the judges of the superior courts throughout Canada.

He said : In making this motion I may say that I have been asked by some of the judges of the land to move in this matter, and to ask if it would not be possible for the government to send them copies of public Bills. Bills of a private nature need not necessarily be sent to them, but they should receive all the public Bills, and would then be in a position to study the legislation as it goes on. They would be able to get familiar with it, perhaps follow the debates in both Houses of parliament and, when called upon, they would be able to apply the laws which they would have studied closely. It is suggested by the hon. gentleman from Killarney that the judges might offer suggestions. I do not think that we should raise that matter in this House. It is very likely that some judges might offer suggestions on public legislation before the Bills were passed, and as Bills are being introduced into either Houses of parliament, especially in the Senate. Copies could be sent from the distribution bureau, or in some other way that we might deem proper, so that the judges can follow the legislation as it is being passed. A large number of Bills are sanctioned on a particular day ; the next day the judges may be called upon to apply this very law, and they have had no opportunity of becoming acquainted with it. I would ask the hon. Secretary of State if he could see any way of meeting the views of the country by a provision of this sort ?

Hon. Mr. FERGUSON—I do not think this House should pass a motion of this kind. We should simply call the attention of the Printing Committee to it. It is their duty to attend to it, and they will no doubt be ready to act on the suggestion. I think it is a very useful suggestion, but it is not necessary for any motion to be made in regard to it. My hon. friend should change the wording of his motion a little, so that we should be assured that all the judges of the Supreme Courts of the different provinces would be included. It speaks of the Superior Court, and there being no court known by that name in most of provinces, it might be held that it only applied to one province. Let it be understood that it applied also to the higher judges of all the provinces.

Hon. Mr. POWER—The hon. gentleman from Marshfield misapprehends the position. All courts higher than the County Courts are known by the general name of Superior Courts : and further, I do not think the

hon. gentleman from de Lanaudière has pursued an objectionable course? When the Printing Committee are informed that the Senate have by resolution expressed a desire of this kind, the Printing Committee are much more likely to do the thing which is sought to have done than if there is no expression of opinion from this House, but simply a desire expressed by an individual member.

Hon. Mr. SCOTT—I understood that last session the Printing Committee reduced the list very considerably. The distribution had been practically abused. From time to time application had been made by libraries and other public bodies for copies of the Bills and of the addresses that were moved for and brought down, and the Printing Committee, last session I think it was, felt that the list had to be reduced, and probably in the reduction they cut off the judges. But it is a matter entirely in their discretion. The government do not control it.

Hon. Mr. ELLIS—I might point out to my hon. friend that there would be a great difficulty in the way. It is quite easy to send the judges the Bills that come before parliament, but to select a lot of Bills, who is to decide whether a Bill is a public or private one? I think the hon. Secretary of State is quite right when he says the list is constantly swelling and the Joint Committee on printing feel that they must cut it down. It is possible some one has been cut off, but that can be remedied if an application is made.

Hon. Mr. KERR—It appears to me from what has fallen, it is desirable we should express some opinion on this subject, whether it is to be a formal motion or an expression of opinion. The hon. mover of the resolution might withdraw it or not, having obtained that expression of opinion, I think it is desirable that the Senate should, in view of what is talked of as to economy and cutting down the list, express some opinion on the subject, that those who probably should be informed of what legislation will come before them, should have the Bill sent to them. There are no public officers who have a better opportunity of valuing proposed legislation in relation to existing laws than the judges of the land, and it is extremely important they should have the proposed legislation before them. If that is the generally accepted view of the Senate, then the Printing Committee should be informed of it. I do not see any objection to passing the resolution; but if there is a general view expressed in the Senate by hon. members that it is desirable, the Printing Committee would act on that expression of opinion, whether it is in the form of a motion or not.

Hon. Mr. WILSON—Does the mover of the resolution intend to submit these proposed measures to the judges with the object of having them decide whether this parliament has jurisdiction, or whether the jurisdiction rests with the Ontario government? We have a dispute here almost every day whether a Bill before parliament really comes within the jurisdiction of the Dominion, or whether there are provincial rights involved, and the question could be submitted to the Supreme Court judges for a decision in such a case. Why not? We could also ask their opinion whether parliament had jurisdiction in regard to the measures that were coming up.

Hon. Mr. BEIQUE—I entirely agree with the hon. member as to the propriety of having public Bills sent to the Superior Court judges, but I agree also with the suggestion made by the hon. gentleman from Marshfield, that it should not be done by motion, that it should be done by an expression of this honourable House to the proper authorities to see that it is done. The judges are entrusted with the carrying out of the law, and they should have an opportunity afforded them of ascertaining the changes that are proposed in the law. It is important, therefore, that they be made aware of the public Bills from the time they are introduced, in order that they may be acquainted with the history, so to speak, of the legislation at each stage as the measures progress. I would suggest that the hon. gentleman withdraw his motion, and be satisfied with the expression of opinion by this House.

Hon. Mr. CASGRAIN (de Lanaudière)—I will not withdraw it. The Senate may defeat it if they think proper.

The motion was agreed to.

## INVESTIGATION OF ACCIDENT AND GUARANTEE COMPANIES IN CANADA.

INQUIRY.

Hon. Mr. McSWEENEY inquired of the government :

If they intend to order an investigation of the Accident, Sickness and Guarantee Companies doing business in Canada.

Hon. Mr. SCOTT—It is not the present intention of the government to make any investigation or inquiry into those companies.

## VALUE OF NORTHWEST LANDS.

MOTION.

Hon. Mr. DAVIS moved :

That a select committee composed of the Honourable Messrs. Talbot, Lougheed, Douglas, DeVeber, Landry, Tessier, Wilson, McMullen, Young, Ferguson, Ross (Moosejaw), McGregor, Power, Robertson, Watson, Bernier, Kirchhoffer, Ellis, Thompson, Perley, Riley, Bostock, Domville, and the mover, be appointed to inquire and report from time to time as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky mountains and west of the Hudson's bay ; comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie territory, its extent of navigable waters, rivers, lakes and sea coast.

He said : I might say in connection with this matter, that I made the same motion in the latter part of last session. At that time the hon. leader of the House thought it was rather late in the session to take up an investigation of this kind, and that we might not be able to make any progress with it before prorogation. But he promised me if I left it over until this session, that he would be able to consider it favourably and that the motion would go through. I want to say in connection with this matter that I consider it one of the most important subjects that we can bring before this House. We know all about the wheat lands of the provinces of Manitoba, Alberta and Saskatchewan, but we know very little, I am sorry to say, about what we have in the country lying to the north of the Saskatchewan river. I have lived in that country some 27 years, and while I have travelled over a good deal of it, I am getting new information every day as to the resources of the northern country. It is like the case of the farmer who has lived on a farm for a number of years, and does not know what is on the back end of his lot. That is about the position the people are in with reference to the hinterlands in those two provinces. We are on the front of the lot and we know what we have on the front, but as a matter of fact we know very little about what we have on the rear end of the lot. A few years ago, a committee was appointed by this House for the purpose of making an investigation similar to the one which I have in view at the present time. That was known as the Schultz committee. I have gone very carefully over the reports of that committee, and I find there was a lot of very valuable information collected at that time.

I might say also, that I know when the report was issued it did a lot of good in this country. I was informed not later than yesterday by a member of the House of Commons that his first interest in the Northwest Territories was awakened by reading the committee's report of the investigation into the resources of that country. But at the time that committee conducted its investigation the northern regions of the Northwest Territories were practically unknown. What is known now as the Saskatchewan River Valley is traversed by the Canadian Northern Railway, and will be traversed by the Grand Trunk Pacific and also branch lines of the Canadian Pacific Railway in the near future, and perhaps by the Great Northern; but at the time the committee took evidence, the Saskatchewan Valley was practically unknown. I was living there at the time, and the people thought the land would produce nothing ; you could not get any one to invest a dollar there. Since then the country has been opened up and developed, and its productiveness is recognized. It is admitted to be one of the best portions of the provinces of Saskatchewan and Alberta. Now we want to take a step further on and find out what we have in the northern part of that territory. At the time the Schultz committee was making an investigation, they got a great deal of valuable information, but we are in a position to-day to elicit much more valuable information about the resources of that country which were unknown at the time the committee sat, because the opening

up of the Yukon had the effect of leading a lot of adventurous spirits into that north land who went cruising about that country trying to find a route overland from Edmonton into the Yukon. Some of these men never reached the Yukon, and have lived for 5 or 6 years in that northern section. They discovered wonderful resources in that northern territory, as I know from information I have received from them and from others. What we want for the development of that country is capital. We may have coal, gold, silver, and unlimited resources of that kind, but unless you have capital to develop it, the natural wealth of the country will be of no use. My object is to try and publish to the world, as far as we can do so, information about our resources in minerals, timber and everything else in that northern country. There are large tracts of timber in that region, not only for the production of lumber but for pulp wood, which is getting to be a scarce commodity in the United States and in the eastern parts of our own country. If it becomes known that we have forests of pulp timber there, the eyes of the investing public will be turned in that direction. We have the timber and we have the water-powers to manufacture it into pulp. From information furnished me, we have any amount of sulphur in that region to furnish a necessary article in the manufacture of pulp. All these facts will come out if we have an investigation. It may be urged that such an investigation will cost a great deal, but it will not. The officials of the geological survey possess very valuable knowledge about that country. I have read their reports carefully, but the information of value is covered up with a lot of other matters more of interest to scientists than to commerce.

In other words there is a grain of wheat in a bushel of chaff and the average man does not read the reports. If we can get men like the gentlemen who appear before the Agricultural Committee of the House of Commons to come and say what they know of the resources of that country, the cost will be confined to the reporting and publishing. We can also get the evidence of gentlemen who are here or will be here during the course of the session. We will get the information boiled down into a pamphlet of say two hundred pages. These gentlemen who have been in the northern country, have any number of photographic views which they can furnish, and which I should like to have published in the report and have circulated. The cost, I am sure, would be a bagatelle compared with the results which may be expected from the circulation of the report. It will give the population of other nations information as to what we have in the hinterland of those two provinces, and the Mackenzie Territory. It may be urged against this resolution, that it might not have the desired effect; that perhaps it would be better for the government to appoint an exploring party or two parties to go out and investigate the resources of that country. As I said last year, that is a step in the right direction.

The Ontario government, I understand, at one time pursued a similar course, with the result that they discovered great wealth in northern Ontario. What is the small amount it cost the Ontario government to make that investigation compared with the opening up of the Cobalt region in which there are companies operating to-day that have been capitalized at about a billion dollars. The resources are there to pay for the outlay. The proper course to pursue later on, I should say, would be to send out two parties, because the country is too large for one party —with a practical man at the head of each, a well known man who, when he makes an investigation and signs a report, will command the confidence of the public; but the investigation by this committee would not interfere in any way with such an exploration. We can get, by means of this committee, valuable information at very little cost concerning that northern country.

Hon. Mr. CASGRAIN (de Lanaudière)—I would ask the hon. gentleman from Saskatchewan, if he has no objection, to enlarge the scope of his investigation. He wants to inquire about the country lying between the western shore of Hudson bay and as far west as the Rocky mountains. But what about the east side of Hudson bay? The Dominion government has a large tract of land known by the name of the Ungava District, north of the province of Quebec, of which much less is known than of the territory north of the Saskatchewan. There are mountains of information about the territory west of Hudson bay, but little is

known of the territory east of Hudson bay. Last session we had some discussion in this House, and the hon. member from Belleville denied that there was any timber belt in Ungava. Only a few days ago, in conversation with Lord Strathcona who spent a part of his life in Ungava—30 years, I understand—he stated to me that there were very valuable areas of timber in that region, some of it being cut by United States concerns. I believe an investigation should be made on both sides of the Hudson bay, and if there are any other parts of the Dominion which require exploration I shall be glad to see them included also.

Hon. Mr. POWER—It is no doubt desirable that we should get as much information as we reasonably can about the outlying portions of the Dominion. I do not feel, as the hon. gentleman does, that it is very urgent, because we have room enough at present to work in. The region which has been explored is quite ample for gentlemen to display their industry and enterprise in; still I agree with him that it is desirable that the government should obtain information with respect to the regions lying outside of those which have been surveyed and organized. I think the hon. gentleman intimated in his closing observations that there is a better way of getting the information than by means of a committee of this House. The better way is not to have every Tom, Dick and Harry who happens to have heard or to know something about the country come and testify and let his evidence go to the public, but that gentlemen who are qualified to speak with authority shall give evidence which can be circulated. As a matter of fact, we have had two or three committees of this character in the Senate in the past. We have had the committee to which the hon. gentleman has referred that is the committee to inquire into the resources of the great Mackenzie river basin. We had some years later a committee which was moved for and obtained by our late lamented colleague, Colonel Boulton, and one or two other committees; but I wish to speak of those two committees I have mentioned in a special manner. The Mackenzie River Basin Committee held a great many sittings, and there was a good deal of evidence or so called evidence published. That committee cost about $12,000 and absorbed the time of a great many members of the Senate during the greater portion of a session, and the hon. gentleman from Saskatchewan has stated that he met some one in the west whose interest in that part of the country had arisen from reading the report of that committee. I think it is the first time I have heard of any good that the report of that committee did; and probably that gentleman would have become interested in the western country even though he had never seen that report. Then Colonel Boulton's committee was selected for the purpose of finding the most advantageous route to the Yukon. That committee held several meetings, and reported in favour of what has since been recognized as the worst possible route. Some unfortunates, who, perhaps, were influenced by the report of the committee, adopted that route. Some of them succeeded in getting through to the Pacific coast alive, but others perished on the way. A parliamentary committee—at least a committee of this House—is about the most expensive and least satisfactory means of getting information. The proper thing is that the government shall send officers into those regions, officers who have special qualifications, and publish their reports. The hon. gentleman spoke of the reports of those officers as containing one grain of wheat in a bushel of chaff. That comparison would be much more properly used in the case of the report of the Mackenzie River Basin Committee. As to the route of the Transcontinental Railway in the hinterland of the provinces of Ontario and Quebec, most valuable information has been given to the public, the result of the surveys made there by Dr. Ami and others, and at the present time, I understand, that the Department of the Interior is about giving to the public the report of Dr. Ami and other explorers in the Peace River country. The Peace River country had already been explored to some extent. A careful examination of that country was made by the Department of the Interior; and the Minister, I understand, proposes to submit the information acquired in that way to the public within a few weeks. Peace River country is one of the most important districts that would be affected by the motion of the hon. gentleman. The better way

would be for this House to express a desire that the Department of the Interior should cause explorations of a similar character to be made of the northern portion of Saskatchewan and also of the district of Keewatin and of the district of Ungava. I do not know any reason why the district of Keewatin, which adjoins the province of Manitoba, and which in all probability contains a great deal of mineral wealth, should not be included in the investigation. I do not see why information should not be gathered in respect to that district as well as to the northern portions of Alberta and Saskatchewan. I move an amendment to the motion of the hon. gentleman.

That all the words in the motion after 'that' to the end of the question be stricken out, and the following words substituted therefor :—

In the opinion of the Senate, it is desirable that the government shall at the earliest practical date take steps to secure reliable and accurate information as to those portions of the provinces of Alberta and Saskatchewan and the districts of Keewatin and Ungava as to which such information is not now in their possession.

Hon. Mr. SCOTT—In the latter part of last session the hon. Senator from Prince Albert brought this proposition before the Senate. I reasoned with him and said that as the end of the session was approaching, it was a very undesirable time, that no progress could be made, but in the interval between last session and this session he might correspond with gentlemen who might be able to give him information. I then brought the matter before the government, and was authorized to acquiesce in the proposition made by the hon. gentleman, provided the expense should not exceed a specific sum. In discussing the financial part of it with the hon. senator, he stated to me that the witnesses he would call were available, not any of them being further away than Winnipeg, and several would be very much nearer Ottawa. I see no reasonable objection to the appointment of the committee. Information of that kind is always valuable. Greater publicity can be given to the advantages and resources of the northern portions of the region to which he refers, and should be of the highest importance. The hon. senator stipulated and I thought it was exceedingly reasonable—that the whole cost was not to exceed $1,000.

Hon. Mr. POWER—How many witnesses could he get for $1,000 ?

Hon. Mr. SCOTT—I do not think it is quite fair for my hon. friend to be so critical. The explanation given by the hon. gentleman from Prince Albert was, I thought, reasonable. He named a number of gentlemen whose evidence would be exceedingly valuable. I do not hesitate to say such evidence would be exceedingly useful if distributed. It is rather unusual, when a senator has received the approval, as I understood he did at the time, of a very considerable number of gentlemen here, and the subject was thought to be of sufficient importance to obtain the approval of the government, to oppose the appointment of a committee.

Hon. Mr. POWER—I did not understand the hon. gentleman from Saskatchewan to say that he was moving with the concurrence of the government.

Hon. Mr. SCOTT—Over and over again, I have stated it in this House.

Hon. Mr. POWER—The hon. gentleman may have said so in private conversation.

Hon. Mr. SCOTT—I stated openly last session, before the end of the session, that if the hon. gentleman would let the committee drop then, I would not object to the formation of a committee at the coming session.

Hon. Mr. WATSON—With the explanation made by the mover of this resolution, there should not be any objection to granting a committee. He has suggested that a great deal of information can be secured of a different character from the information now before the public with regard to that portion of the territory north of the Saskatchewan. The motion is for the purpose of compiling and editing a pamphlet on that particular section of the Dominion. That being the case, there surely cannot be any objection to the committee. I should like to vote for the motion of the hon. senator from Halifax as well. I trust the government will do exactly as has been suggested in the amendment, but at the same time I do not think that the amendment is appropriate to the motion of my hon. friend from Saskatchewan. I fully agree with the

hon. member from Halifax on the character of the evidence elicited by the Schultz committee. It may contain some valuable information, but I do not think the results of that committee would warrant the appointment of such another committee. Many of those who were examined before that committee had been Hudson Bay officials and natives of the country, and I would rather take the opinion given by an expert civil engineer or land surveyor who had been in that country than all the evidence that could be secured from natives and men living there for a number of years, because a great many of them had been educated to believe that the northern part of Canada is only fit for a fur reserve. I had some experience of one of those committees 23 years ago, when a committee was appointed for the purpose of securing information with regard to the navigation of Hudson bay. That committee cost a large amount of money. A great many people were brought here, who gave their evidence, and I venture to say that, so far as the navigation of Hudson bay is concerned, the information placed before the country through that committee was of very little service indeed. Since then, the government have sent vessels there and made a practical investigation as to the navigation of the bay. The hon. gentleman from Saskatchewan, with the members he has selected, might be able to go through the Geological Survey reports and information received from surveyors and forest rangers and compile a pamphlet which would certainly give the public reliable and condensed information with regard to the country north of the Saskatchewan, and I am in favour of the committee being granted. I would not approve of it, if it was intended to take the range that was taken by the Schultz committee, but with the explanations given by the mover, I am certainly in favour of it, and I trust that the government will take cognizance of the amendment moved by the hon. senator from Halifax and try to get all the information they can from the officials connected with the Interior Department, and publish it to the country as soon as possible.

Hon. Sir RICHARD CARTWRIGHT—Of one thing there can be no doubt, and that is that we are hardly acquainted in the slightest degree with the enormous resources of the unexplored regions of this Dominion. We have barely scratched the surface, and yet we have found such places as the well known Cobalt camp, the Klondike, and other sections where there are enormous resources of which we never dreamed. Therefore for my part I am very much disposed to concur with my hon. friend who has just addressed the House, in thinking that the Department of the Interior may very well profit by the suggestions that have been thrown out by himself and others, and cause investigations to be made throughout this vast region; but I also think that in view of what has been stated, it would be hardly fair to turn down my hon. friend who moved this motion and who certainly did withdraw it last session at the instigation of the leader of the House. I presume that the object of the hon. senator from Halifax is chiefly to call the attention of the Department of the Interior to the desirability of making an investigation at the earliest convenient moment of these regions, a most laudable and desirable object, and one which I can assure him I will not fail at the earliest moment to bring to the attention of my esteemed colleague, the Minister of the Interior.

Hon. Mr. GIBSON—In seconding the amendment of the hon. member from Halifax I was not aware that the government had committed itself to an investigation of this kind, for I must say that it is by far the most expensive and unsatisfactory means of getting information that I know of. You will have to send long distances and pay enormous expenses to bring people here to examine them, and you will have to keep them while here giving the information that they only possess. It seems to me that if it is only for the purpose of getting at and condensing the voluminous information that is already in the Department of the Interior, an order of the House would secure that result, if the department was requested to condense the information of the various regions of the Dominion of Canada as well as the part of Canada which my hon. friend from Prince Albert is so much interested in. I do not blame him for looking after his own part of the country, but the hinterland of Quebec has been mentioned, as well as the hinterland of Ontario and Ungava, which is unexplored, and those provinces are worthy of

discussion at the hands of the Dominion government, and deserve more consideration in the future than they have had in the past. My own impression is that if proper officers were sent out with guides, who have the exploring instinct and know the country well, that better results would follow. I am informed by gentleman who have resided long years in that northern part of the great west, that if you were to ask a half-breed about the size of a lake he would say 'Yes; big lake.' If you ask him the same question with regard to timber, he would say : 'Yes, big timber,' and it might not be any bigger than a few inches. His idea of size is altogether at variance with our ideas. Such information as that is not worth being paid for, but if reputable and responsible officers of the government were to be sent out for the purpose of collecting information, I think the object my hon. friend has in view could be attained. In addition to that, I think we could get information of the other sections of the country which we as members of the Senate and citizens of this Dominion are all mutually interested in. Quebec has a large hinterland, and so has the province from which I come. Besides that, British Columbia has resources that very few men who have lived in that province know anything about ; and if a precedent is established and one committee is appointed, and information sought with respect to a particular part of the country, there is no reason why the members from the other provinces should not have a committee granted to them and the same privileges accorded to them. I have no objection to the hon. gentleman's motion, but I was rather astonished when it was placed on the order paper. On the 27th of November it appeared for the first time on our record, and it had been moved for the day before, and now at this late hour, when we are all in hopes that the session will close by the end of April, very little can be done, and I am sure if it is only to cost a thousand dollars, the information we will receive for the thousand dollars will be very meagre indeed. Then again, if it is to sift the grain from the chaff, and the committee are to deal with that question, they could condense the report, but a clerk in the department or a surveyor could condense the various reports the government have in their possession now. I will admit that many of the reports are voluminous, but they are very necessary. If it is only a pamphlet of condensed information that is desired for the purpose of advising the people of the old land and the conditions of that vast territory where my hon. friend comes from, I think that comes well within the Department of the Interior, who have done much in bringing to the notice, not only of the Dominion of Canada, but of the whole world the resources of our great inheritance. I think that the money could be better spent by the government themselves. I am opposed to people being brought down here promiscuously, perhaps—well I would not like to say—to have a good time, I should like, however in the representation on the committee that more consideration should have been given to some of the other members from the west. I notice that when our Striking Committee reported, complaint was made as to how one-sided the committees were. Well, if my hon. friend, on the present occasion, is giving evidence of what he would do on the Striking Committee, we can foresee the result. He only asks for twelve from the west, and he has let out Hon. Senators Roy and Perley. He should have taken them all in. He has two from New Brunswick, two from Quebec, two from Prince Edward Island, and two from Ontario, two from Nova Scotia, two from Manitoba, two from British Columbia, three from Saskatchewan, and three from Alberta. I have no objection to the personnel of the committee. They are all able and eminent men, quite qualified to obtain the information sought for, but it seems to me that there are officers in the employ of the government to-day in the Department of the Interior, and perhaps in other departments, for instance in the Geological Department, who could give us more information upon examination in the course of a day or two, than we could secure by bringing fifty men from the west ; and the information which they have to give is what they have gathered from experience and from personal knowledge of the country. I am not going to stand out against the action of the government. If they have committed themselves to the expenditure of a thousand dollars, we will get a report which will be worth a thousand dollars. I think perhaps the sum is too small, and if

the committee is to be of any service, and the information to be of any value to the country, it should not be confined to a thousand dollars. If it is to cost any more, I think the most economical method of obtaining information which we all so much desire, would be the appointment by the government of officers for that purpose.

Hon. Mr. ROSS (Middlesex)—If I may be permitted at this early stage of my career in this House, to intrude for a few moments, I should like to make some observations with reference to the proposal of the hon. senator from Prince Albert. I think we are indebeted to the hon. gentleman for having brought this matter before us, because it is of the utmost importance that we should acquaint ourselves, as has already been stated, with the resources of our Dominion, and we should do that at the earliest possible moment. Some years ago, I think in 1900, the government of Ontario felt that our knowledge in regard to the hinterland of Ontario was insufficient, and we accordingly appointed, not a commission, but an exploring party, consisting of about ninety persons, divided into companies or battalions of nine or ten each. Each company consisted of a geologist, a skilled surveyor, an agriculturist, and a forester and the hinterland of Ontario was subidvided by the chief officer of the Crown Lands Department amongst these different exploring parties. They started out early in the season and remained as long in the autumn as circumstances and the weather would permit, and made a report as to the resources of our own province. That report was a surprise to all of us. Ontario has been settled nearly a hundred years, and we had no idea of the value that the northern district was to us in its reserves, either in timber, land or minerals. The explorers reported, to our great surprise, an agricultural belt commonly called the clay belt, three hundred miles long and about 150 miles wide, said to contain at least 16,000,000 acres of excellent agricultural land. When the report was laid before us, the duty then was pressed upon the government of doing something to open up that district. As a result, we projected what is called the Temiscaming and Northern Ontario Railroad, a railway which I am happy to know, will connect Ontario with the Grand Trunk Pacific road, and which will cost the province probably between eleven and twelve million dollars before it is completed. This exploring party cost the province about seventy-five thousand dollars. The treasury of Ontario has received as the result of these explorations already about a million and a half of money, so that the result so far as Ontario was concerned was an admirable one, and I hope that millions more than the sum already received will yet pour into the treasury of the province. I am told that a company has already offered the province from fifteen to twenty million dollars for a portion of the country which was opened up as a result of that exploration. In every respect the efforts that were made to open up New Ontario have been very satisfactory, and have given to the people of Ontario a much larger view of the wealth of the province and its future possibilities than they had ever entertained before. With regard to the motion of my hon. friend from Prince Albert, I entirely sympathize with it. I do not know that the committee should be allowed to incur a very large expenditure. Its work might be tentative. I remember very well the committee of which the Hon. Mr. Schultz was chairman, and I do think, although it may not have realized the expectation of the promoter, that the report of that committee has been exceedingly useful. We had in the Peace River district made known to us by Mr. Schultz a wealth of timber and farm lands and other resources up to that time entirely unsuspected. If I may be permitted to suggest to my hon. friend from Prince Albert, I would say that while the committee might be allowed to proceed to work at once, it should not be allowed to incur very heavy expense; that its work should be rather to prepare the way for that government commission suggested by my hon. friend from Halifax. The two things should go together; perhaps the committee first to prepare information for exploration, and the exploration afterwards as being the only conclusive and satisfactory information which this House would like to have in regard to the resources of that country. Experts travelling over the land, geologists and botanists, foresters, and surveyors should be members of that committee or of those exploring parties, and should bring to us information on which we could rely. Be-

ing on the spot in the different portions of the country as they travelled to and fro, they could take the evidence of old settlers. They could bring information before the country at much less expense than could be done by bringing witnesses here, and, it would be just as conclusive as if taken before our committee. The committee might be the means of examining such witnesses as are at hand, and in that way open the door for the examinations which the explorers might make at a later date, but I think the government having, through the Secretary of State, indicated its intention, or practically its intention, to make these explorations, should take the impression from this House that we think it is very desirable that these explorations should be made. The National Transcontinental Railway is the only railway the western districts needs at this moment. When we reach Edmonton or the foot hills of the Rockies, there is no reason why a railway should not be projected up the Peace river valley. How far it should go is a matter for future consideration, but it is hard to tell how far Anglo-Saxon enterprise might desire to extend, if the resources would warrant such extension, and it should be our duty to see that the remotest part of this country is explored in order that capitalists from abroad and settlers and emigrants from the old land might have a variety of choice, as to where they should go, and thus give us the benefit of their enterprise and capital. As to the other branches of the question, I am not sufficiently informed to express an opinion. We do not know what the resources of Ungava are, but we ought to find out as soon as possible. It may be that the geological formation there would indicate a wealth of silver or of gold equal to Cobalt, or perhaps equal to the gold fields of the west and of California. We know that on the east side of Hudson bay the mineral indications are not very inviting, but we only know it in a general way. In fact we were told—you will find it in the earliest geological reports of Logan and Bell—that it was not believed there was mineral of any value in the hinterlands of Ontario. We find now gold deposits in the neighbourhood of Kenora, and Lake Manitou that exceed all expectations. In fact we were told by early geologists that it would be useless for us to explore for gold, and that no gold would be found, and after the Cobalt district had been tramped over by lumbermen and others for years, it was only through the construction of the Temiskaming and Ontario Northern Railway that the minerals were discovered and the enormous wealth of the country disclosed to us. So let us make the further investigation. I have a suspicion that it is possible there may be coal deposits at the back of the height of land on the Moose river in the Hudson bay district. Geologists have found lignite deposits, and if the explorations of this party should go so far as to make inquiries into the unexplored areas of the different provinces well and good, but let us by all means—I am speaking here for the Dominion—explore the districts beyond the boundary of these various provinces and turn what is a matter of doubt into a matter of greater certainty than any information we have just now could warrant us in believing. If it could be possible for the Senate, in view of the amendment moved by the hon. gentleman from Halifax, to entertain the committee I should be pleased. If by adopting the appointment of a committee we would relieve the government of any exploration, then I would prefer having the reports of experts. If we could have both, so much the better, the one preliminary to the other, but let it not be understood, so far as I am concerned, that if we grant this committee, that the government will be in the slightest degree relieved from the duty of making a report by skilled experts and geologists of the highest standing, foresters, botanists, surveyors and others, on whose evidence we can rely and who bring to the duties to which they are assigned that experience which is conclusive in a matter of so much importance.

Hon. Mr. FERGUSON—I agree with the hon. gentleman from Halifax in the somewhat uncomplimentary remarks he made about the results of the committee that was selected by this House in, I think, the year 1898 with regard to obtaining information about a route from Edmonton to the Yukon. That investigation was instituted on an impulse, and without any very regular plan, and I frankly admit that the result of that investigation was not very satisfactory, but I do not at all agree with my hon. friend in the remarks he has made with reference to the report of the Schultz committee of this

House in 1888. I had not the pleasure of knowing the late Senator Schultz, but I have always regarded the work of the committee as a monument to his industry and to his skill, and I look upon that blue-book as one of the most important I can lay my hands on in regard to the resources of our northern country. I have to refer to it occasionally, and I find it a perfect mass of information, and when the hon. gentleman from Middlesex gave us this history of the discovery of this clay belt in the northern part of Ontario and gave the credit of that discovery to the band of surveyors that were sent out by the Ontario government, I was struck by the fact that in a map, attached to the report of the Schultz committee in 1888, you will find this clay belt perfectly indicated. The information was issued through Dr. Bell, of the Geological Survey, and the map in which this identical clay belt was very clearly indicated by the colouring will be found in that report. In other respects I have found information contained in that report, as I have already said to be highly valuable. My hon. friend from Halifax indicated that we could get all the information through the reports of the geological and other surveys and experts sent out by the government. I have had a good deal of experience in trying to elicit information for myself through reports of geologists and in ways of that kind, and I must say that there is often very little in these reports in the way of information as to the real value of the country. I have wandered over pages when I would find a river or lake referred to, and I would puzzle my head to ascertain what river or lake they were talking about. The name had perhaps been mentioned two or three pages previously, and in broken paragraphs you would find a river referred to, and you would have to dig and delve in order to obtain its name and location. When you get the experts before the committee, and they are kept to the point, and make their answers, it is easy to obtain the information in such a way that it will be of value to those who are seeking for it. I therefore favour the appointment of this committee. I expressed myself so last year, and I am still of the same opinion. But I agree with my hon. friend the Secretary of State, that some limit should be placed on the expenditure. There is no necessity for bringing every body that you can think of whose name and address you can obtain in that northern country. We can bring experts residing here who have traversed these regions and get the information in that way and have it recorded and put in the form that will be of easy reference, and members of this House and of the House of Commons, and all others who are seeking for information in regard to that country will know in the future where to get it in a condensed form and in a manner that will be useful to them and to the people that they represent. Agreeing with my hon. friend the Secretary of State that a limit should be placed on the expenditure, I might suggest to him that I really think a thousand dollars is too small an estimate, I know, from a little experience, that it will not take very long to expend a thousand dollars in typewriting and stenographers and printing and it might happen that absolutely nothing would be left to defray the expense of bringing witnesses. If we grant a committee at all, while agreeing with the hon. Secretary of State that the expenditure should not be unlimited or that it should be large, I think it would be a pity that it should be limited to so small an amount as a thousand dollars.

Hon. Mr. BEIQUE—For my part I felt some hesitation, but after the explanations which have been given, and the assurance that the expenditure would not be excessive, I was glad to see that the government favoured the appointment of this commission, and I am satisfied that if it works on the line suggested by the hon. gentleman from Middlesex, it will render valuable service to the Dominion. I would ask the hon. gentleman from Prince Albert if he would not be disposed to accept the suggestion of the hon. gentleman from De Lanaudière by adding after the word 'west' the word 'east' and at the end of his motion add the following words, 'and Ungava territory?'

Hon. Mr. DAVIS—Yes, I might say to my hon. friends that I should be very happy to add that to the motion.

Hon. Mr. FERGUSON—And Keewatin also?

Hon. Mr. DAVIS—Yes.

Hon. Mr. LOUGHEED—I presume the government will allow a thousand dollars extra for these additions ?

Hon. Mr. DOUGLAS—I should like to add a few words to what is being said, and express my hearty support to some effort being made, and that immediately, to get increased information for the benefit of the public. It was my lot last summer to meet a gentleman from the United States, a man of education and a member of the National Geographical Society, who had gone west at the close of his college session to explore something of our land in the Mackenzie River basin, and who had abandoned the enterprise for the reason that he found that to go down the Mackenzie river was going to take him over five months; that the expenses of his tour were more than he had provided for before leaving home, and he was returning to make further provision for the exploration. In listening to many of the hon. gentlemen who have taken part in this discussion, it seems to me that we take altogether too narrow and small a view of this whole question. This member of the National Geographical Society stated to me: 'The Canadian people have in that northern land a veritable empire of which little or nothing is known.' If we are to know our own boundaries, and if we are to furnish reliable information to men of education in Europe; if we are to induce people to throw in their lot with the Dominion of Canada, we must be able to present information that is reliable and which will appeal to the intelligence of these people. I wish to emphasize the point that the expenditure of a thousand dollars in this connection is altogether too small, and I believe that the government of Canada in undertaking an enterprise of this kind are not only willing—I believe they are willing or would be willing—to send experts to obtain such information as we have indicated, but that for these purposes they would be willing to spend a very considerable sum. I would not, therefore, in connection with this resolution, or the appointment of this committee, limit the sum to one thousand dollars, of even ten or twenty thousand dollars, but leave it to the government to determine. I think we cannot emphasize the importance of proceeding at an early date to obtain every possible informatilon to set before the public, not only to encourage immigration, but to induce capital to come to this country. Men of capital will not consider the question until the government of Canada is prepared to lay before them reliable information that would lead them to act. I hope this honourable House will take a broader view of things and will look upon its importance. We are only living on the fringe of our great heritage. We have only settled on the banks of the streams and the lakes of our beloved Canada. We know comparatively nothing of the great land that has been given to us, and I sincerely hope that we will be able to furnish such information as men of capital and men of intelligence are desiring, that they may consider the question of investing capital in developing the country.

Hon. Mr. DOMVILLE—I desire to say just two words on the subject. I think this is the most admirable debate that has taken place before the Senate in my day. It will show the public at large that the members of the Senate are not merely lookers on, but are really taking into consideration the vast resources of Canada. I quite agree with the remarks of the hon. gentleman from Middlesex. I hope the hon. leader of this House will permit the committee to proceed with the investigation, and, as my hon. friend from Middlesex predicts, it will perhaps be productive of considerable good, and at any rate it cannot do very much harm.

Hon. Mr. POWER—After the statement made by the two members of the government, I could not very well persist in the amendment I have moved, and with the consent of the seconder and permission of the House I ask leave to withdraw it.

Hon. Mr. ROBERTSON—I entirely endorse the appointment of this committee. I do not rise for the purpose of discussing it, but to relate a little incident that came to my knowledge during last summer. We are entirely ignorant of the wealth of our own country, and I think we are negligent in not finding out the extent of the wealth of our northern country. Last summer a friend of mine, who lives in Boston, took a trip up the Labrador coast to the mouth of the Hudson strait, and while he was up

there an American mineral expert came down from the centre of Ungava. He had been two hundred miles into the centre of Ungava, and he reached the coast with several barrels of specimens of minerals. He had those barrels very closely fastened up, and my American friend could not get any information whatever about their contents from him. He would say nothing about it. All he could find out was that he had been sent there by a company, or companies, in the United States to investigate this region, to find out what it was and the minerals it contained, and he was returning to them with his barrels of specimens. We did not know there were minerals in Ungava, but here were foreign companies sending an expert into the centre of that country to find out what was there, and probably the result of his investigation would be that companies would be formed in the United States to take up our mineral lands.

Hon. Mr. LANDRY—I suppose it cost more than $1,000.

Hon. Mr. ROBERTSON—It very likely did.

The amendment was withdrawn.

Hon. Mr. DAVIS—The information which we will get through the work of this committee will surprise perhaps some hon. gentlemen who are opposed to it now. I am quite aware that the report of the Schultz committee was not received favourably, but I want to say in regard to that committee, that while there was a large amount of money wasted, it did an enormous amount of good. One of my hon. friends to-day said that I had met only one gentleman who had been persuaded from the reading of that report, to go west. I might tell him I have met dozens, but I alluded to one gentleman who is now a member of the House of Commons. The report of the Schultz committee did a great deal of good. But I want this committee to run on different lines. We have now sources of information that they did not know of at the time of the Schultz committee. There are gentleman to-day visiting the city of Ottawa who possess a wonderful amount of knowledge of that country which they are willing to give us and which will cost nothing. As to whether $1,000 will be adequate to publish the report and the views accompanying it, I am not prepared to say. I propose to bring only one witness from the city of Winnipeg; that is the only evidence that will cost anything. Objection is taken to the evidence which can be furnished by the officers of the department, because we are told we can get that information from the reports of the Geological Survey. I am afraid we conld not get it that way. We can get it better by bringing the witnesses before the committee. It is well known that a member of the Geological Survey gave evidence before the Agricultural Committee of the House of Commons. I was there and took part in the investigation. To use a common expression, he gave a black eye to the Peace river country. We asked at that time that the Department of the Interior should send a party to explore that region, and see which of the conflicting reports made by the Macoun family was right. Nothing has been done on that recommendation up to the present time. I quite agree with the hon. member from Halifax, and the Hon. Mr. Ross, that the proper means of getting all the information we want is to send properly equipped parties to explore the country, but in order to get that started you must have a reason for doing so. This committee will cost a small amount of money, and it will show the necessity of taking the step which the hon. member from Middlesex, the Hon. Mr. Ross suggests. The committee will be in a position to show the country and the government the necessity of making explorations. Some people think we have large ideas in the west. One hon. gentleman, who sits opposite me, alluded to the fact that the Indians of our country have very vivid imaginations. I do not want him to look upon me as one of the aborigines, but I want to tell my hon. friend that the Indians in our country, as well as the white people, have very large ideas. They are progressive, and it would be all right if the hon. gentlemen would take a leaf out of their book. I am very glad the committee is to be appointed. I think you will find before we are through, it will justify the time and money expended upon it. I should like to add the name of the Hon. Geo. W. Ross to the committee.

The motion was so amended and adopted.

## THE ROCKY MOUNTAIN SECTION OF THE GRAND TRUNK PACIFIC.

### A QUESTION OF PRIVILEGE.

Hon. Mr. FERGUSON—Before the Orders of the Day are reached I wish to call the attention of the House to a question of privilege. It is with reference to the summary report of my remarks yesterday in this House regarding the location of the Grand Trunk Pacific Railway. I do not do this for the purpose of impeaching either the ability or the impartiality of our press reporter. I feel bound to say from the experience I have had that our summary reports to the newspapers by the gentleman who now performs that service are better than they ever were before in my experience. At the same time it does not follow that he will not sometimes make a mistake. I am reading now from the newspaper report, and this is exactly as it appears in the summary prepared and filed in Mr. Souter's office. I am reported as saying with reference to the discrepancy between the length of the mountain section as described in the speeches in the House of Commons in 1904 of the members of the government, and the length indicated by my hon. friend the Secretary of State, that my statement was that the figures that had always been given by the government to parliament and to the country up to my hon. friend's remarks in this House had been 480 miles for the length of the mountain section, sometimes extending to 500 miles, while my hon. friend in his speech on the second reading of the Bill in this House gave the distance as 766 miles. Now, this is a part of the report of my remarks to which I object: 'Afterwards, when the contract was going through, provision was made for 766 miles of mountain section.'

Now, that is exactly the reverse of what I said. I did not say that provision was made for 766 miles. If that had been openly done it would have made the matter all right. The objection I took was to the course of the government in giving the shorter distance throughout, and then giving the longer distance just at the close of the discussion in this House, and, as the Secretary of State did, attributed the lengthening of the distance to some difficulty in getting round the Skeena river. My hon. friend is reported correctly as saying yesterday that the government had limited information at the time. We were told, however, they had 'mountains of information,' but my hon. friend says now they had no surveys of the Peace River pass. I will read what my hon. friend said in 1904 with regard to that. He said:

> Last year, from the examination I made then, I was under the impression that the Rocky Mountain section—I think I gave the figures to the House—was less than 500 miles; but the more recent surveys show that it is longer, because it is not a direct line, but is rather circuitous. If it is to go to Port Simpson, it must go by the Skeena river, a tortuous course to get through the mountains, that is, to get the best grades. The grade they hope to get is surprisingly low.

This does not agree with what my hon. friend said yesterday. He continues:

> I was quite astonished at the statements of the engineers; it was a grade that none of us could have anticipated. Of course it was known that through the Pine river or the Peace River Pass a feasible route for a railway could be got. Sir Sandford Fleming reported twenty-five years ago that it offered a cheaper and easier route than the one selected by the Canadian Pacific Railway; but as exploratory surveys have gone on it has been found that after they get through the pass a number of routes are available.

My hon. friend was surprised at the easy route, yet he tells us now that they did not have surveys or information. However, that was not my object in rising. I rose to point out the error in the press report, in which I am made to say that the contract was modified, or words to that effect, in this House, and that the change was made in the contract. No such change was made; the Peace River route was still adhered to. The only point was, my hon. friend had pointed out that it was somewhat longer than was indicated in the first place. I had doubts about it at the time. I did not see how 766 miles of mountain section could be found in the Peace River route. They did not find it there, but they have found it elsewhere.

## BILL INTRODUCED.

Bill (M) An Act to amend the Railway Act, 1903.—(Hon. Mr. Davis.)

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the Orders of the Day are called I wish to ask the hon. Secretary of State my daily question.

I hope this will be my last time of asking.

Hon. Mr. SCOTT—I am happy to inform the hon. gentleman that the government have decided to erect a Marconi wireless station at Pictou.

Hon. Mr. FERGUSON—When will it be ready ?

Hon. Mr. SCOTT—At the earliest possible time. It does not take long to construct one. All despatch of course will be used.

SECOND READINGS.

Bill (10) An Act respecting a patent of the George E. Smith Lumber Company.—(Hon. Mr. Mitchell.)

Bill (9) An Act respecting a patent of Edgar Webster Summers and Hadley Herbert Summers.—(Hon. Mr. Coffee.)

Bill (8) An Act respecting patents of William A. Damen.—(Hon. Mr. Lougheed.)

PETROLEUM BOUNTY ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (G) An Act to amend the Petroleum Bounty Act, 1904. He said : The object of this Bill is to enable the government to see to it that those lessors of oil wells who have stipulated for rent in the shape of a certain percentage of oil produced by the wells, shall receive the bounty now granted to producers of oil. It was always the intention of the government that these people should so receive it, but under the construction of the Act, although the majority of the companies who deal with these lessors have adopted the equitable construction of granting to the various lessors the bounty in proportion to the oil which was reserved by them, certain others have, and I believe strictly, legally speaking they were entitled to, refuse to pay, have refused. Now this is a bounty of the state, and I propose in this Bill to amend the Act by enabling the government in the regulations which it passes for the distribution of the bounty, to give the farmers the bounty on that portion of the oil which they receive by way of rent. My hon. friends will see that no question will arise where a moneyed rent is reserved, but where a percentage of the oil has been reserved, there we think that the lessor is entitled in equity and justice to receive the bounty on his oil, that is to say on the percentages of the oil which he reserves by way of rent. The Bill will go into committee in a couple of days, and if any hon. gentlemen desire further explanations they can probably be given with more convenience in committee.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned until to-morrow at Three p.m.

## THE SENATE.

OTTAWA, Friday, January 25, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (N) An Act to amalgamate the Jordan Light, Heat, and Power Company, and the Ontario Development Company, Limited, into one corporation, under the name of the Jordan Erie Power Company.—(Hon. Mr. Gibson.)

ST. JOSEPH TRANSPORTATION COMPANY BILL.

SECOND READING.

Hon. Mr. TESSIER, (in the absence of Hon. Mr. Choquette), moved the second reading of Bill (J) An Act to incorporate the St. Joseph Transportation Company.

Hon. Mr. LANDRY—This Bill is not printed in French.

The SPEAKER—Does the hon. gentleman object to the second reading ?

Hon. Mr. LANDRY—As we are far advanced in the session, we should proceed regularly. I will not object to this motion, but I give notice that in future I will object to measures being proceeded with if they are not printed in French. We should do away with that mode of proceeding.

SECOND READINGS.

Bill (I) An Act to incorporate the Canadian Musical and Dramatic Association,

Limited.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (K) An Act to incorporate the Stratford and St. Joseph Radial Railway Company.—(Hon. Mr. Choquette.)

Bill (L) An Act respecting the Trader's Fire Insurance Company.—(Hon. Mr. McSweeney.)

The Senate adjourned until Tuesday, 29th January, at Eight o'clock in the evening.

## THE SENATE.

OTTAWA, Tuesday, January 29, 1907.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

### GUARANTEE POLICIES CARRIED BY THE DOMINION.

INQUIRY.

Hon. Mr. CLORAN inquired of the government :

What was the number of guarantee policies carried by the Dominion of Canada Guarantee and Accident Insurance Company, for the year ending December 31, 1906, what was the guaranteed, and what was the amount of premiums paid the said company during the year ending December 31, 1906, for officers in the employ of the government of Canada?

Also, what amount was paid the London Guarantee and Accident Company for guaranteeing of employees or officials of the Intercolonial Railway, what was the total amount guaranteed for, and what was the total amount of premiums paid for the year ending December 31, 1906 ?

Hon. Mr. SCOTT—On application to the Superintendent of Insurance, he sent me this answer : 'The report of the business done by the Dominion of Canada Guarantee and Accident Company for the year ending December 31, 1906, has not yet been received by the Insurance Department, and is not called for till the 1st March, 1907.' However, since that time I have received from two departments information on the subject. The first is from the Department of Customs, and reads as follows : 'The premiums paid through the Department of of Customs to the Dominion of Canada Guarantee and Accident Insurance Company, for the year 1906, in respect of customs officers guaranteed by the company, were $1,910.10—the amount of such guarantees at 31st December, 1906, being $549,000 in respect of 476 customs officers.'

In reply to the second question, the total amount guaranteed was $136,000 ; amount paid the London Guarantee Company, year ending 31st December, 1906, $320.27.

### THE QUEBEC TERMINAL AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. CHOQUETTE inquired :

1. Who have been, and are at present, the shareholders of 'The Quebec Terminal and Railway Company,' incorporated by 1 Edward VII., chapter 81 ?
2. What is the capital subscribed and paid up by the said shareholders ?
3. What works have been carried out by the company up to this date, and what has been the cost of them ?
4. Who is at present the president of the company, and who are the directors of it ?
5. Has the charter of the company been sold or transferred, and if so, to what company ? When, and in virtue of what contract, or Act of parliament ? For what price, and in what manner has that price been paid ?

Hon. Mr. SCOTT—The answer to the hon. gentleman's questions is as follows :

1. The Quebec Terminal and Railway Company incorporated by 1 Edward VII., chapter 81, has not been organized.
2. Answered by number one.
3. Answered by number one.
4. Answered by number one.
5. The charter of the company has never been sold nor transferred to any other company.

### EXPERIMENTAL FARM, PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency may cause to be laid on the table of this House copies of all reports received by the government or any member thereof, relating to the establishment of an experimental farm branch in Prince Edward Island, and any order in council made regarding the same ; also a statement showing what tract of land, if any, has been purchased for the purposes of the said farm, where it is located, the number of acres accrued, and the price paid for the same, and the name of the vendor.

The motion was agreed to.

## THE INTERCOLONIAL RAILWAY COLLISION AT HADLOW.

### MOTION WITHDRAWN.

Hon. Mr. LANDRY moved :

That an order of this House do issue for the production of a copy of the inquiry held on the subject of a collision which happened at Hadlow, on the 13th October, 1906, on the line of the Intercolonial Railway, between two trains of the Intercolonial Railway, which collision caused the death of a fireman named Veuilleux, and also for a copy of a petition presented by the despatchers of the Intercolonial Railway to the authorities of that railway at, or a short time before or after the collision in question.

Hon. Mr. SCOTT—The answer sent me from the department reads as follows : The case has not yet been disposed of by the department, the claimants having stated that, unless favourable consideration is given, proceedings will be taken against the Crown. Under the circumstances it is not considered to be advisable to grant the return asked.

Hon. Mr. LANDRY—I suppose it is in the public interest ?

Hon. Mr. SCOTT—Where matters are in course of settlement between the Crown and parties, it is not desirable that the public should be taken into the confidence of either party and the proceedings made public. It does not tend to hasten a settlement in a thing of that sort.

Hon. Mr. LANDRY—Could the hon. gentleman tell us if he expects a prompt settlement of the question, or will it take a year or two ?

Hon. Mr. SCOTT—I know nothing whatever of the case or its merits. I am simply reading the reply furnished by the department.

Hon. Mr. LANDRY—I will try it again before the close of the session. I ask permission to withdraw the motion.

The motion was withdrawn.

## THE LATE SENATOR DOBSON.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to draw attention to one of those melancholy events that have so frequently occurred in this Chamber. Since we parted on Friday last, the angel of death has summoned away one of our members in the person of the late Senator Dobson. Those who were present towards the end of last session, will remember that Senator Dobson showed signs of breaking up, so that death, a day or two ago, was not unexpected. Apart from that he had reached an age beyond which very few of us are permitted to live. The late Senator Dobson was a man of kind and gentle disposition, and while loyal and true to those with whom he was associated politically was always fair, open and candid in any discussion he had, either in committee or in this House where the great issues that divided the two political parties were brought up. He was a man who was very much beloved in his own home, and in the town of Lindsay where he was repeatedly elevated to positions of trust and honour by his fellow townsmen. His loss will be very deeply regretted by the members of his family, and I desire on behalf of the Senate to convey to them our sympathy and sorrow.

Hon. Mr. LOUGHEED—I feel sure that the Chamber will not only concur with, but deeply appreciate the sentiments which have been so aptly expressed by the leader of the House with reference to the death of our late colleague, Senator Dobson. It is always a matter of profound regret in calling the attention of the House to the death of any of our colleagues. Though the sorrow which death invariably brings may be lessened by the age and infirmity of the departed, yet the loss of one who, up to a very short time ago, was actively engaged in the performance of like duties with ourselves, is inexpressively sad. The late Senator Dobson was for some fifteen years a member of this Chamber, and, during that time, was invariably present in his place and always manifested a deep interest in the duties of his office. His public career was peculiarly free from that rancour which is engendered very frequently by political strife. Quietly and courteously he took his way amongst his fellow members, enjoying the respect, esteem and confidence of both sides of politics. In this age, when the lines of division between the friendships of men follow very closely the political differences between them, it is a matter of very great gratification to find so worthy a tribute paid to a man as has been paid to the late Senator Dobson, who enjoyed the confidence, respect and esteem of both parties. Those recalling the uniform courtesy and kindness with

which the late senator went to and fro amongst his colleagues in the Senate for the last fifteen years, will agree, I am sure, that in the few remarks that I have made I am but voicing the feelings of this House in the expression of the sentiments which I have thus poorly expressed.

## THE LYON DIVORCE CASE.

### MOTION.

Hon. Mr. WILSON—Before the Orders of the Day are called, I move that the petition presented by hon. Senator Davis on the 23rd of January, for a Bill of divorce, of Victor Harold Lyon of the city of Ottawa, in the province of Ontario, be now read.

The SPEAKER—Be rather agreed to as read.

Hon. Mr. WILSON—That the petition be now read. It was presented on the 23rd January, and it has not yet been read.

The SPEAKER—I might draw the attention of the hon. gentleman to the fact that the petition was read and received.

Hon. Mr. WILSON—If that is so, it is all right, but I understand it was not received.

The SPEAKER—The question that arises is whether it should be concurred in by the Senate, or referred to one of the standing committees.

Hon. Mr. WILSON—I understood it had not been received. If it has been received that is all that is required.

Hon. Mr. LOUGHEED—I might point out that, under rule 133, the petition would have to go before the Select Committee on Divorce. I am not aware whether or not that committee has reported on the petition.

The SPEAKER—It is not a petition for divorce, but it is a petition for leave to present a petition, and the question arises as to the propriety of having the Senate concur in the petition, or whether we should refer it to that committee under rule 133.

Hon. Mr. LANDRY—I suppose it is because the time has expired ?

The SPEAKER—Yes.

Hon. Mr. LOUGHEED—It might be pointed out that it could not go before the committee except by the action of the House in sending it there ; that is, under the ordinary procedure the petition could not come before the committee, not having been presented.

Hon. Mr. WILSON—I think the petition has not gone to the Committee on Divorce at all. If it had been received, it would have gone before the Committee on Divorce.

Hon. Mr. YOUNG—I ask for the Speaker's ruling. A petition was presented for leave to present a petition for divorce. My understanding of our revised rules is that it was decided that all matters of any kind relating to divorce were to be dealt with exclusively by the Divorce Committee, and therefore, a petition for leave to present a petition for divorce should be referred to the Divorce Committee to consider. I ask for the Speaker's ruling on this matter, so that the Divorce Committee, if I am right, will be justified by the Speaker's ruling in taking up the petition and acting on it. I think that is the proper way to deal with it.

Hon. Mr. LANDRY—The rule reads :

> All petitions for divorce, and all matters arising out of petitions for a Bill of divorce, shall be referred to the Standing Committee on Divorce.

Hon. Mr. YOUNG—Yes, but you will notice that there is no petition yet for divorce.

Hon. Mr. LANDRY—But it is a matter arising——

Hon. Mr. YOUNG—Not out of the petition, because there is no petition.

Hon. Mr. LANDRY—I think it should be relegated under the rule for petitions in general.

Hon. Mr. YOUNG—The members of the committee will bear me out in saying that it was the intention of those who revised the rules that all matters, of any kind, relating to divorce would be relegated to the Divorce Committee.

The SPEAKER—When the petition was read at the table, I was in hopes that the hon. gentleman having the petition in hand, would move that it be received by the Senate, and if the point of order had been raised that the Senate could not agree to the petition before it was reported upon

by the Committee on Divorce, I intended, inasmuch as the rule is not clear, to leave it to the Senate to decide the point. Do I understand that I have to deal with the motion of the hon. gentleman, that the petition be now concurred in ?

Hon. Mr. WILSON—That it be now received. It was merely presented by the hon. gentleman from Prince Albert, and it was presented as petitions generally are, but it has not yet been received, and I move that it be now received.

Hon. Mr. LANDRY—I think this is not the regular way to deal with a petition of this kind. We are taken by surprise. We have not had time to study the question at all. I think we should get a notice of motion that he intends to bring it up to-morrow and move that the petition be concurred in by this House. It should be brought before the House by way of a motion.

Hon. Mr. LOUGHEED—Might I suggest to my hon. friend who has charge of this petition, that inasmuch as the Standing Orders Committee will probably meet to-morrow and recommend to the House the extension of the time for the reception of petitions, it should stand until to-morrow, and if the time is extended, then in due course it will go before the select committee on divorce.

Hon. Mr. YOUNG—If my hon. friend will permit me to explain, the Standing Orders Committee have nothing to do with petitions for divorce, under rule 133 of our revised rules.

Hon. Mr. WILSON—If I thought the Standing Orders Committee had nothing to do with petitions for a Bill of divorce, I should not have made this motion. I think now the only way to deal with it is by a motion of this kind.

The motion was agreed to on a division.

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to ask the hon. leader of the government in this House, if he has any information as to whether this Marconi tower, so called, at Pictou, has been erected, and if telegraphic communication has been restored between Prince Edward Island and the mainland ?

Hon. Mr. SCOTT—I have not heard any more about it since the last answer I gave my hon. friend. The department have taken charge of it, and have undertaken to have it carried out as early as possible. I do not know how long it will take. I could not tell the hon. gentleman. The intention was not to lose any time.

Hon. Mr. FERGUSON—Nearly a week has elapsed since my hon. friend said that the government had decided to erect the Marconi station, and I will have again to give my hon. friend notice now that I will ask this question from day to day until we know that this tower has been erected.

Hon. Mr. SCOTT—I do not know how I can give any further information. I brought the subject to the attention of the ministers, and I was assured by both the Minister of Inland Revenue and the Minister of Public Works that the installation of the Marconi system would be undertaken at once. That is the best that can be done. I do not know that I can get any more information than that.

Hon. Mr. FERGUSON—I am not surprised that my hon. friend has not heard any more about it since the adjournment. That is generally the way with the department in dealing with these matters. However, I call my hon. friend's attention to it now, and I will ask him again to-morrow and perhaps he will have obtained more information by that time.

Hon. Sir MACKENZIE BOWELL—Might I ask whether the government has ever taken into consideration the propriety of buying out that cable monopoly and getting rid of it ? This is a question that has been agitating the country for ten or fifteen years, ever since Prince Edward Island has been in the confederation. An admirable speech was made on this subject by the hon. gentleman from Marshfield, in which he showed quite clearly that the company had violated the terms of its contract, and if so the government should take steps at once to put an end to it. If the company have any rights under contract, the better way

would be to buy them out and do away with the monopoly, than to perpetuate a system which is not satisfactory to the island nor to the country. I might say that before confederation, in some of the maritime provinces and particularly in Nova Scotia, some railway companies had in their charters perpetual rights to import all articles free of duty necessary for the working of their roads. That was a source of constant annoyance and trouble to the Customs Department and to the government. During the time that I was in the customs, I know that it was constantly brought under my notice, and the notice of the government, the violation, the excessive violation I might term it, of the company in their importations. Negotiations were entered into for the purpose of buying them out. It was never carried out during the time of the late government. But the present government, I believe, to meet their demand, paid to my mind a somewhat excessive price for the privilege. Notwithstanding that, the bargain after all was a good one, in the interests of the country, doing away with a great deal of trouble and annoyance. Why could not the same policy be adopted in reference to the telegraphic monopoly that was given to this company prior to its entering into confederation? It would relieve the government of a great deal of trouble. It would give satisfaction to those who are upon the island, and the difficulties that arise year after year, in connection with the maintenance of that telegraphic service would be done away with. I throw out this suggestion, hoping my hon. friend will take it into consideration. I am inclined to think that those who represent the island would prefer having the monopoly bought up if it be necessary to buy it, and do away with the trouble which has existed in the past.

Hon. Mr. FERGUSON—I might be permitted to say in reference to the remarks of the hon. gentleman from Belleville, that my observations addressed to the House three years ago on this question were to show that there was no monopoly, and I am delighted to find that the government has this year come to that conclusion. It has been announced in the House of Commons that the government has now taken that position. At the same time I do not dispute that the Anglo-American Company may have some interests for which it would be fair to compensate them. They contributed part of the rails and posts in connection with the railway service on the island. I am not going to take that ground, but I wish it clearly understood that we do not admit that they have any monopoly whatever, and whatever is paid for, the company has not any exclusive privilege.

Hon. Mr. ELLIS—Although somebody, and somebody in authority may declare that there is no monopoly, still there is a monopoly and it is going on all the time. I think the statement was made last year on good authority that the government disputed the claim to a monopoly. I believe that was stated in the other House. The monopoly, however, has existed. The suggestion of the hon. gentleman from Belleville would not meet the present emergency, which is very great. When I had the honour of a seat in the lower House I called attention to the exactions of this company. I stated that it had failed to perform its duty to the public, and suggested to the Minister of Finance, who was horrified at the suggestion, that the government should repudiate the whole matter. The company was not then doing its duty to the country and it is not doing it at present, but I think the government was fairly criticised when they made an arrangement last year, as they did not insist on the company laying another cable across to the island. It cannot be done at this season of the year, but it should have been provided for. The business is constantly growing, and it would grow a great deal faster if telegraphic communication was uninterrupted. One cable would not have made so much difference in cost to the company.

Hon. Sir MACKENZIE BOWELL—What I stated was that I thought the case as laid before the House by the hon. gentleman from Marshfield, was a very strong one against the monopoly which the company claim to have. They act as though they had a monopoly at present and deny the right of any other parties to establish communication telegraphically with that island. I understand the hon. senator from Marshfield to say that while he denies they have a monopoly, the government has

conceded that and deny that a monopoly exists. There is only one way of testing the claim of the company, either by the introduction of a Bill to settle the question, or by taking it to the courts of law to decide whether they have a monopoly or not, and if the courts decide that they have a monopoly, buy them out.

Hon. Mr. FERGUSON—After all, we are only playing upon words. I deny that they were by law conceded exclusive privileges, but all telegraph and telephone companies, when they go into a small place, from the fact that they are there first and have possession of the ground, must have a monopoly for all practical purposes, because you cannot get any one else to establish a rival service. But there was no exclusive privilege given to them, and furthermore, the parliament of Canada has given the right to three other telegraphic and telephonic companies to establish connection with the island. That shows that parliament never recognized any exclusive privilege on the part of the established company.

Hon. Mr. SCOTT—Some three years ago, the members from Prince Edward Island drew the attention of the government to the excessive charges that were being exacted, I think 25 cts. for every message crossing, in addition to the cost on the island, and it was suggested that the government should cut them down to a reasonable limit. At that time they were receiving a subsidy of nineteen hundred dollars. In consideration of that subsidy being increased to $5,000 they reduced the charges very considerably, I do not know how much, but from 25 cts. down to 10 cts.: I think that was about the reduction. It was a very large reduction. On that basis, a contract was made for 5 years, the government undertaking to pay a subsidy of $5,000 a year. While that contract is in force—and it has exactly three years yet to run—it will be impossible to take any action towards buying them out or laying a cable unless a pretty large sum is paid for that purpose. You would be entirely at their mercy. You could not force them in any way. A contract has been made, and while it lasts it cannot be cancelled in any way that I can see: therefore we thought that the best way of getting over it would be by installing a Marconi system.

Hon. Mr. FERGUSON—That is the only thing to be done.

Hon. Mr. SCOTT—It is the only thing we thought possible to do.

Hon. Mr. FERGUSON—Give it to us as quickly as possible.

## INTRODUCTION OF GOVERNMENT MEASURES IN THE SENATE.

Hon. Mr. LOUGHEED—Before the Orders of the Day are called, may I ask the hon. leader in this House what progress he has made with the government in inducing them to originate measures in this Chamber? We have entered upon the third month of the session, and with the exception of two short Bills, one dealing with the statutes, and one before us now, containing three lines, dealing with petroleum, no public business has been presented to this Chamber. My hon. friend will recall that the address that was delivered by the Governor General on the opening of parliament, promised many public measures, but few of these measures have been forthcoming, and were it not for the industry of the members in placing upon the order paper from day to day many matters of public interest, I am bound to say that this Senate certainly would have been idle, on account of the dearth of business. It seems to me that this has been more marked this session than in any previous session. We certainly have not observed such an absence of public business for consideration of the Senate during the time I have had the honour of a seat in this House, as during the present session. It seems to me my hon. friend should be more energetic in urging upon the government the necessity of originating many of its measures to this House.

Hon. Mr. SCOTT—I cannot accept the statement made by my hon. friend that we have had fewer Bills introduced this session than in former sessions. My experience has been exactly the other way. We have passed four Bills this session up to the present time, as you will have evidence of tomorrow. The House of Commons has accepted those, in one or two cases making some slight changes. The difficulty of inducing the members having their Bills

launched in this Chamber is this—the head of a department taking an interest in a subject feels that it is safer in his hands for the first explanation than in anybody else's. Take for instance, the Land Bill, Mr. Oliver has with a great deal of time and attention and the aid of a number of assistants prepared a very voluminous measure. You can scarcely expect him to allow the policy of the department to be announced here, not directly through himself; and so with other measures. There are a number of Bills, as my hon. friend has observed, in the other Chamber. I should have been very glad to take charge of them, but there is that objection the heads of departments have to allowing the views on measures affecting materially subjects relating to their departments being launched by any but the heads of the departments themselves. I can certainly say that in former years the absence of government Bills in the Senate has been just as marked as on the present occasion, if not more so.

Hon. Mr. LANDRY—There is one Bill which should come up here, that is the Bill for the Reformation of the Senate. We have not heard of it yet this year.

Hon. Mr. SCOTT—That is being prepared.

Hon. Mr. LANDRY—Last year we heard the Minister of Trade and Commerce giving his views on the subject, and I thought they would be embodied in a Bill this year. Surely the government should press that measure.

The Senate adjourned until Three o'clock p.m., to-morrow.

## THE SENATE.

OTTAWA, Wednesday, January 30, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### RUNNING OF SPECIAL PASSENGER TRAIN ON THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired :

During the night of the 26th-27th of December last, 1906, was a special passenger train run upon the Intercolonial Railway between St. Léonard Junction and Nicolet station ?

Who asked for this train, and upon whose authority was it granted ?

In the monthly report for the month of December, 1906, made by agents or by conductors, to what figure is the amount of money received in payment for the use of the train in question carried ?

Hon. Mr. SCOTT—The answer sent me by the department is as follows :

1. No one asked for special train, the superintendent advises as follows :—On night of December 26, No. 153 arrived at St. Léonard Junction at 20.50 o'clock, and No. 146 at 19.39. The despatcher was instructed to allow the branch train to proceed to Nicolet with the passengers, and to return for connection with No. 153 ; as the latter train was late. By misunderstanding the despatcher held No. 146 until the arrival of No. 153 and then proceeded to Nicolet, and later ran a special trip without any authority it being a misunderstanding on his part.

2. Answered by No. 1.

3. The returns for the month of December are not in.

### MUTUAL RESERVE LIFE INVESTIGATION.

MOTION.

The Order of the Day being called :

In the evidence given by Mr. Eldridge in the Mutual Reserve Life investigation, recently held in New York, he stated that it had cost the company $20,977.66 to get the investigation through the Senate and Commons of Canada in 1904. I shall move that the company be required to furnish the names and detailed statements of the amounts paid, if any, to senators or members of parliament in Canada, or to the respective firms to which they belong, in connection with the said investigation, and copies of all cheques issued and receipts given therefor.

Hon. Mr. McMULLEN said : I desire to offer a few remarks upon the notice that I have placed upon the order paper regarding the New York Mutual Reserve Fund Life Association. In the first place, permit me to say that I had no intention whatever in giving a notice that would reflect in any way upon any hon. senator or any member of parliament. My object was to ascertain the facts with regard to the moneys that were spent by the company on legislation in 1904, and to see whether there was anything improper in connection with that ex-

penditure or not. A great many people in Canada are deeply interested in that company. In my own section there are some forty or fifty policy-holders who are in doubt whether to continue the effort to keep their policies alive or abandon them. The way the company has issued policies is very discreditable in many cases. Their agents offered all the inducements they could to parties to insure with them, assuring them that the company's rates were very much lower than the rates of other companies, and thus people have been induced to pay premiums for years. Eventually the rates were increased, so that when the policies matured, they were not worth anything like their face value. The company has adopted a system whereby, under their by-laws, they have a right to charge a policy-holder certain fees and make deductions in one way or another and cut down the values of policies so that when the policy-holders come to realize upon them, they do not get anything like what they anticipated. Great reductions take place. The business of the company in Canada shows that they have collected altogether from the Canadian people $5,664,467.54. The policy-holders have received in payments altogether $3,474,769.47, leaving to the credit of the business $2,189,698.07. Giving them credit for all expenses, rents, commissions to agents, doctors' fees, and everything connected with insurance, and allowing that all such charges have been legitimate and proper, the company has yet a balance in its hands of $1,054,081.53. There is in the hands of the Receiver General here about $260,000 and in the hands of the Toronto General Trusts, something in the neighbourhood of $66,000, which would leave $323,000 some odd hundred dollars to the credit of the company in this country. From year to year the policies are growing less, simply because the company from time to time have increased their rates, and this increase has been so great that many policy-holders have been obliged in the end to abandon their policies. In the face of these facts, if the policy-holders should continue surrendering their policies, the result will be that a time will come when there will not be a policy in Canada, and the company can draw upon the Receiver General for the $260,000, and from the Toronto General Trusts for the $66,000, and these sums will be taken out of the country with the rest of the money. I wrote two or three months ago to Mr. Fielding, Finance Minister, drawing his attention to the history of that company. Every one has heard how one of the executors of the company, their vice-president and legal adviser, has been recently tried in the Supreme Court of the United States for grand larceny and found guilty, and is now serving a two years sentence in Sing Sing prison. Mr. Eldridge, who was here in 1904 before the Senate committee that held the investigation, is also under indictment. The probabilities are that his trial will come off before long, and it is hard to say what may happen to him. Mr. Burnham, brother of the man that is now serving in Sing Sing prison, is also under indictment for improper transactions in connection with that company, and, no doubt, will be put on trial before long. That is the history of the officers. Hon. gentlemen will remember Mr. Eldridge was asked during the investigation here if he could state the salaries that were drawn by the different officers of the New York Mutual Reserve Life. He declined to do that. It could not be got out of him. Those who were present at the investigation know that he declined to answer that question. I am going to read from a report issued by Mr. Vanderpool, who is chief officer of the department of insurance in the state of New York. I wrote to him and he sent me this report. This is what he says with regard to the salaries paid to those men :

Fred'k A. Burnham, president, $39,000 a year.
John D. Eldridge, vice-president and actuary, $31,000 a year.
Geo. Burnham, Jr., second vice-president—that is the man who is now in Sing Sing prison—received $17,000 a year.

These are the salaries paid, and these are the chief officers of that institution. A great many hon. gentlemen who were present at the investigation will remember what took place. I am sorry to think that that investigation was opposed so bitterly by many members in this House and by many gentlemen in the other House. I do not say that they did it for a pecuniary consideration at all. I do not insinuate that, but the opposition that that committee was faced with was a great surprise to

many people. The investigation was sufficient to open the eyes of the people of this country to the history of that institution.

The Secretary of State, when that committee was asked for, stated—and I do not at all blame him—that it could do no good, and could not accomplish anything ; but it did a lot of good. It let the people of this country know what kind of an institution that insurance company was. It opened their eyes to the fraud from beginning to end. The amount of insurance matured—I am quoting from the same author to whom I referred a moment ago—under the policies of the Mutual Reserve Life in three years, 1901, 1902 and 1903, was $9,023,747.12. That was the amount of policies that actually matured which they were called upon to redeem. How did they pay them ? In the first place they made deductions altogether on account of law liens and so on of $819,927.79 ; deductions on account of excess mortality, $338,-129 ; balance on premium interest, alleged misrepresentations made, &c., a deduction of $368,325.65. All these amounts were deducted. What was the result of this nine millions of life insurance ? They actually paid but $5,944,200 in cash in settlement of those policies. The balance was for disputes settled by compromises, and liens being charged and all that kind of thing, so that out of this nine million there was practically $4,079,546.97, of which the policyholders got nothing. These were the transactions of the company for the years I have mentioned. I believe that the company, when it started, did not do so upon a proper basis. Their rate for insurance was below what it really ought to have been. But people should have been made aware of the methods by which they intended to conduct the insurance, because, when Mr. Eldridge was here he said that in their system they insured a man for a year, the same as you would insure a barn against fire, and when the period ended that he had no further claim upon them. With regard to the expenses in connection with legislation here, I know that there were hints at the time that that investigation was proceeding. I have already stated that a very active part was taken by certain members of the House, some members of this House and some members of the other House. I am not going to say for a moment that when a law firm happens to have one of its members appointed to the Senate they should immediately cease to take any work from an insurance company that wants to come here and get legislation. One could hardly expect that. Law firms will do business. There is no doubt about that, and if we happen to have sitting in this House a member who has been in the habit of doing business for any institution for many years, it is natural to suppose that the firm will not close the door against them and say 'We cannot do any business with you, because a member of our firm has been appointed a senator or a member of the House of Commons.' I do not mean to insinuate that I would expect anything of that kind, but we do not want persons from the United States to entertain the impression that they can come here and, by spending money liberally, secure all the legislation that they may require. An attempt of that kind was made once in the province of Ontario, and it failed. I do not know that it has ever been tried since, and I hope it never will. With regard to the legal expenses to which my resolution refers, I find that in 1902 there were no legal expenses of the New York Mutual Reserve reported. They have to make a return to parliament every year, under oath, setting out the different items of their expenditure in Canada, and Canada appears in the reports by itself. They must put that at the end of their report. They show first their United States business, and then show their Canadian business. In 1902, in their report in regard to expenses, they show that they had spent no money in legal expenses. In 1903, at page 272 of the report, legal expenses are returned as being only $325.29. I have the report here and will lend it to any hon. member who desires to read it.

Hon. Mr. SCOTT—If the hon. gentleman will permit me to interrupt him, the Deputy Governor is here desiring to assent to Bills and I therefore move that the House do now adjourn during pleasure.

The motion was agreed to.

## BILLS ASSENTED TO.

The Hon. Mr. Justice Girouard, acting as deputy to His Excellency the Governor

General, being seated at the foot of the Throne.

The hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: 'It is the Deputy Governor's desire that they attend him immediately in this House.'

Who being come with their Speaker,

The following commission was read a length at the table by the clerk:

The Clerk of the Crown in Chancery read the titles of the Bills to be passed, as follows:

An Act respecting a certain treaty between Canada and Japan.

An Act to amend the Naturalization Act.

An Act to amend the Act respecting Commercial treaties affecting Canada.

An Act respecting the Revised Statutes, 1906.

To these Bills the royal assent was pronounced by the clerk of the Senate in the following words:

'In His Majesty's name, His Honour the Deputy Governor doth assent to these Bills.'

The Depuy Governor was pleased to retire, and

The House of Commons withdrew.

## DEBATE RESUMED.

Hon. Mr. McMULLEN—When the Senate adjourned during pleasure, I was trying to find out a certain charge in connection with the business of the Mutual Reserve Life Insurance Company, in accordance with the resolution before the House. I pointed out that in 1903 the amount of legal expenses was $325.39; in 1904, as stated on page 279 of the report of the insurance department, the expenses were $20,977.66, and in 1905, as set out on page 305 of the insurance report, they amounted to $6,370.04. It is very clear from this that the expenses, the year the investigation took place were greatly in excess of the expenses of other years. I can easily understand it would be so, but the amount is very large. It is not altogether the amount I am finding fault with, I want to ascertain by the return I am calling for, whether any improper payments were made by that company in connection with the investigation, because the money belongs to the policy-holders, and if the company has improperly or imprudently sacrificed the interests of the policy-holders the public should know it. I may be asked how will you get a return from the company? I reply that the company is acting under a charter in Canada, and if they do not obey the commands of parliament they are liable to have their charter suspended or cancelled altogether. It is a pity they were ever permitted to do business in this country, but since they are incorporated and are doing business here, they can be compelled to obey the orders of parliament. It was a mistake to give them a new lease of life, as we did by the Act of 1904. Under that Act they have been enabled to squeeze their policy-holders, many of whom have suffered serious reductions in their policies or forced to pay an additional sum for all the years they have been running in order to bring them up to the line companies standards, as if they had been paying a responsible company. With regard to the money in the hands of the Receiver General here, it would be but right to call upon the company, to reinsure their policy-holders in some good solvent insurance company. Let them pay over the amount that they have in reserve to the credit of the Canadian policy-holders and enable them to get policies elsewhere. I hope that in the legislation with regard to life insurance which is to be submitted soon, the government will make provision that, in future, life insurance shall be conducted in such a way that no deductions, no paring down of the amount of a policy, and no dishonesty will be tolerated, so that when a company enters into a covenant with an individual to insure his life that covenant will be carried out. In the past, unfortunately, policy-holders have been largely in the hands of the insurance companies. The policies have contained such provisions as the company felt disposed to put in them. They have been able to say that the agent who takes the application is not the agent of the company but the agent of the applicant, and there are other provisions of a similar character. I hope that in the legislation we are to have there will be such a recast of the present system that policy-holders will be absolutely and entirely protected. I have known men in my own district who have virtually deprived themselves of the necessities of life in order to

meet their payments to this very company. They have struggled for years to meet their payments and now at the end of twenty or twenty-five years they wake up to find that the whole institution from garret to cellar is rotten, that they cannot depend upon getting a matured policy if they continue to pay, and that they might as well sacrifice their money. The law of our country is wrong if it tolerates a condition of things like that, and I hope the proposed legislation will put an end to it. Let me give you an illustration of the manner in which this company has been doing business. I am reading from the report issued by Mr. Vanderpool, who is chief of the insurance department in New York. This is a paragraph in his report :

The last annual statement of the company filed with the Insurance Department and now appearing in its published annual report for the year 1904, produces a so-called surplus of unassigned funds amounting to $359,211.58. The examination just completed fixes this item at $38,492.68.

That is $300,000 less than what it is returned by the company and sworn to as being correct. All through this report there is evidence that the company has been making fraudulent representations. I want it to be clearly understood that I make no insinuation with regard to any member of parliament ; I simply want the company to be called upon to explain to parliament how that $20,977.66 had been expended. In one place Mr. Eldridge states the amount was $15,000, but in the return under my hand he swears—because these returns have to be sworn to—that the amount spent in litigation in Canada that year was $20,977.66 to get their legislation through the Senate and Commons of Canada in the session of 1904.

Hon. Mr. CLORAN—The motion is one which is opportune at the present moment, because the members of that committee lie under an imputation made by a gentleman named Eldridge. I find that in the evidence given before the Armstrong committee in New York, that he answered the questions as follows :—

Q. At that time your expenses (that is the Mutual Reserve Life of New York) were $1,625,000, and was the same amount apparently in 1904 when you write nineteen million dollars of business ?—A. Well, in 1904 we had a good many extra expenses, for instance the Canadian matter, and we had a good many expenses in England that were unusual.

Q. (By Mr. Hughes) What were your expenses in connection with the Canadian matter ?

(Meaning that investigation that was held by a committee of this honourable House in the year 1904.)

A. My recollection is that these expenses were about $15,000.

Q. (By Mr. Hughes), And that was expended for what purpose ?—A. Well, to a considerable extent for attorneys' fees and representations before the committee.

Hon. Mr. POWER—Go on.

Hon. Mr. CLORAN—Then the examination proceeds :

Q. Were there any expenses in any other able except attorneys' fees ?—A. Well, of course, I was in Canada in connection with the matter most of the time from the middle of April until the latter part of July, and we had parties from the home office here at different times in response to the committee.

That is all the evidence in reference to this matter given by Mr. Eldridge. There is a suggestion. The suggestion is that he paid $15,000 for attorneys' fees and representations before the committee. As far as his own expenses are concerned, I regret to say that this honourable House ordered them to be paid, when they declined to pay the expenses of our attorney and the expenses of our sole witness, or our principal witness. That is the case.

Hon. Mr. FERGUSON—Does the hon. gentleman state that this House ordered Eldridge's own expenses to be paid ?

Hon. Mr. CLORAN—Yes, his expenses were paid.

Hon. Mr. FERGUSON—I think the hon. gentleman is mistaken.

Hon. Mr. CLORAN—I think it was $500 he received, if I am not mistaken. He got $5 a day for the time he was here. I do not know the amount, but he was paid expenses—all he claimed. I do not believe he was cut down. Under those circumstances I think it is about time to disregard Mr. Eldridge as a witness for or against an institution or any person. Eldridge is the same man who gave evidence that one J. B. Wells had spent, I think, some $20,000 in 1887 or 1888 to obtain legislation on behalf of the same company, and for which Mr. Wells, I think, was summoned to the bar of this House during that investigation. Now it has been proved that Mr. Eldridge

did not tell the truth in regard to that matter. He told very little of the facts relating to the administration of that company during the entire time he was on the stand before our select committee. Scarcely one word of straight truth fell from that gentleman's lips. He coloured every statement, as he coloured his statement before the Armstrong committee. To the best of his recollection he spent $15,000 before that committee for attorneys' fees and for representations thereto, and when we turn up the official report sent into the department in Canada, what do we find? We find an amount exceeding $15,000 by nearly $6,000. It makes the legal expenses of that year total up $20,900, when the year previous the legal expenses only amounted to $350. The year before that they amounted to nothing, not a cent for expenses in 1902, and only $350 in 1903; and in 1904, when that company should have been exposed to the world, he comes here and he is allowed to spend $15,000 (according to the official report, $20,000) to cover the evil tracks of that company in this country. Is his report true in regard to the question of the $20,000 for that year? I do not think it is, because in last year's report the amount is placed between $6,000 and $7,000 for legal expenses. I have not the facts, but if we take the record of the company for the amount of legal expenses they have paid, we find there was no $6,000 or $7,000 extra needed in that year, and was part of the sum they expended in 1904, making the amount altogether $26,000 instead of $15,000. So that Eldridge did not tell the truth before the Armstrong committee in regard to that matter. Unfortunately I have been unable to secure the evidence extracted from him in the criminal trial of Mr. Burnham, the vice-president, about a month ago, to show this House that the District Attorney, Mr. Jerome, faced him with perjury in many an instance from his own evidence. While he was being examined before the Armstrong committee he was confronted with the evidence given before our committee, and District Attorney Jerome asked him when did he tell the truth. And that sanctimonious individual with the devotional role of the hands that had such an effect upon a large number of my hon. colleagues in this House, but who never deceived me, fainted almost in the box, was scarcely able to continue his evidence in that criminal trial, and that is the gentleman who has cast upon this honourable House the odium and the slur alluded to in the motion of my hon. friend from Wellington. I wish to repudiate that slur. On my own behalf, and on behalf of the committee I say he may have spent $15,000 or $25,000, or $30,000; but as far as I am concerned, and as far as the hon. members with whom I laboured in that investigation are concerned, I am positively able to state that not one cent of it was used for improper purposes. However, the impression left by his evidence is there. He would not tell the truth. He says 'I paid largely' to a considerable extent, for attorneys' fees and the balance for representation before the committee.' Hon. gentlemen can take what meaning they like out of it. I stand here as the ex-chairman of that committee to say that that gentleman had no business to make such a statement; if he had any grounds to make it, he should state the facts, but in face of his past record as an untruthful witness, as an unreliable officer of a company, as a man who gave this committee and this House to understand that he and his fellow officers of that company, who were in receipt of salaries amounting to $35,000 or $40,000—he would not give us the figures, were paid salaries that were paltry as compared with officers of other companies he stands discredited before the country. What do we find in the last trial, when he is forced to give the facts? My hon. friend from Wellington only mentioned two or three salaries, Fred. Burnham, $39,000. He is under indictment to-day; Mr. Eldridge, $31,000, and he gave us to understand—I am speaking for myself in regard to that—that he never received more than $15,000 as vice-president of that company, and the president's brother, not his son, also legal adviser, receiving $17,000, and the other petty officers, bringing the amount up to $111,000. Mr. Eldridge misled the committee; so much so that hon. members of that committee objected strenuously to my decision in the matter; but I held that it was a question of public policy, a matter in the public interest that the people in this country should know what salaries were paid to the men who were taking their premiums and putting them in their pockets. I could go

along the whole line of evidence and point out to hon. members of the House how that same man Eldridge did all in his power to besmear and besmirch the character of our witnesses, and tried to make out that Mr. Wells, the vice-president at one time of that company when it was in its days of honesty and prosperity, had left, owing to wrong conduct on his part. That insinuation was false. It was admitted, I regret to say, by a large number of my colleagues on the floor of this House, Mr. Wells has since been avenged ; unfortunately not on the floor of the Senate. He has had no opportunity for that. But in the courts of New York his evidence has brought condemnation on the officers of that company who had been guilty of malversation of the funds, and whose evidence, no doubt, will also land Mr. Eldridge and Mr. Burnham in the same position as their fellow officer Mr. Burnham, Jr. I take this opportunity to vindicate the character of Mr. Wells. I take this opportunity to say that Mr. Wells is an honest man, and his words have been proved to be true. But, unfortunately opinions differ. Appreciations of character differ, and we do not all agree in sizing up a man. Some hon. members thought that all virtue, honesty and truth were deposited on the lips and in the heart of Mr. Eldridge. There was nothing vain or vain-glorious in his declaration, but everything was honest on his part. They can see their error today. They can realize now that the chairman of the committee, and the members who stood behind him, were right in their assumption that the company was not a proper one to do business in Canada ; that the company was one that was bleeding the widow and the orphan ; that the company was one which was paying its debts only at the rate of 40 or 50 cents on the dollar. We were not credited at that time. We were abused and obstructed in every possible way, and the spite and vengeance against that committee was carried to such an extent that our attorney has not yet been paid for his services, that Mr. Patterson is not yet paid for attendance as a witness and for the time that he spent as an actuary and expert, although he is one of the best in America, and his services were sought for by the District Attorney of New York, in exposing those officers of the insurance company who had been bleeding the public on both sides of the line, and bleeding the public in England and elsewhere, for their own benefit. I wish, now that I have said a good word about Mr. Wells, to add my tribute to the character of Mr. Patterson. Both those gentlemen are ex-Canadians. Both were born in this country and come from good families. The Wells family has produced men who have held high positions in this country—a speaker in Ontario and a minister in British Columbia—high positions in finance and commerce, and that man was treated, I was going to say, almost shamefully, anyhow he was not treated with that respect that is due to honour and integrity, though a Canadian, born not far from here, at the town of Vankleek Hill. Then we have that other insurance genius—because he was nothing else—a devoted one—who spent nights and days with our attorney in a small, close room during the hot summer days, preparing a case against that company. Mr. Patterson is also an ex-Canadian who is earning his living in the United States, and that witness has been punished most unfairly by this honourable House. He deserved all credit for the labour that he expended to obtain information for that committee, but instead was refused the small pittance that he asked. He was granted the paltry sum of $4 or $5 a day, which would be absorbed by his bill for board in the hotel. His scientific and professional expert services have not been paid for yet, all largely due to the influence of that same individual, Eldridge, vice-president of the company who tried to make out that Patterson was dismissed from the service of the Mutual Reserve owing to wrong conduct, when it is known in New York that he is a most acceptable actuary, that he is an expert without many superiors, even in the United States. I take this opportunity also to pay a tribute to him. I know it will not fill his pocket. He is not a rich man, and we of the Senate of Canada have deprived him of what he has honestly earned and we have had the injustice to do it. It is not yet too late to undo that injustice. It is not yet too late to undo the injustice done to our attorney, the only one we had against seven or eight legal firms from Montreal, Ottawa and Toronto and New York. We had only one to contend against all that intelligence, all that expert knowledge, all that legal talent, and

we have refused to pay him his paltry fee of $20 or $25 a day for the time he was here. Whatever the per diem was in the investigation before the Armstrong committee in New York, Mr. Hughes received a retainer of $25,000, and his assistant received another $25,000, and another gentleman $10,000. Sixty thousand dollars was paid to the three gentlemen for legal fees at the one investigation, yet we refuse to pay Mr. Coster's small fee although he spent three months in Ottawa neglecting his local business. He was here not so much for the money that was in it, but rather to stand by one of our colleagues who is absent today. He was here to stand by a colleague who had confidence in him, the hon. gentleman who brought these charges against the Mutual Reserve Association in the spring of 1904, who from his seat in the Senate stated, 'If I cannot prove my charges against the Mutual Reserve Life, the fraudulent manipulations, the dishonest transactions by the company, I will forfeit my seat on the floor of this House.' These were the words of the hon. gentleman from Rothesay (Hon. Mr. Domville). He had confidence in Mr. Coster, who was his special attorney in St. John. He wanted him to be here so as to be assured that the investigation would be gone into thoroughly and probed to the bottom, and I have no doubt had Mr. Coster not been in the case, probably things would have proceeded in a more plain sailing fashion. At any rate these are the facts, and appreciating the facts at the time, I stood by the hon. gentleman from Rothesay, because when a man risks his head and his seat in the Senate and says 'I am going to resign from this honourable body if I cannot prove my charges,' I think it is nothing but fair for his honourable colleagues to give him assistance. Therefore I felt keenly—not for myself, because I was not personally interested—that many of his confreres on the floor of this House should make it so hard for him to prove his case. If they had had their way, we would not have been able to bring out the facts and lay the matter before the people of Canada. If he had not succeeded in doing so, the hon. gentleman from Rothesay would have had to resign his seat and return to private life. But, owing to the determination of a majority of that committee to ferret out the facts, to give the truth to the public, we were able to prove that the charges of the hon. gentleman from Rothesay were not only well founded, but were such as to demand not only the correction of the administration of that company, but were such as to justify investigation into other companies with the result of which you are aware. I had hoped that I was done with this question, but I shall not be done with it, as I said before, until complete justice is awarded to all concerned in it. I will not have done with it until the records of this House show in an emphatic manner that the committee did its work faithfully and honestly in the interests of the government, in the interests of the public, and in the interests of the insurance company itself. We have been taunted in the past—and that taunt still remains—that we were a useless committee, that we were a degraded committee, and that we were discredited. This aspersion has been wiped out by the experience of the past three years, and the records of this House must and will be confirmation of the fact that the committee did good, faithful and honest work.

Hon. Mr. EDWARDS—I am very sorry indeed to occupy the time of this House for one moment in discussing the motion which is now before the Senate. In doing so I will say most emphatically that I am not apologizing in any sense whatever for the doings of the Mutual Reserve Company in Canada or in the United States or any other place. I am not approving of the doings of that company in any respect, and in making a few remarks upon the subject I want it perfectly understood that I do not do so with any feeling whatever against my hon. friend who is the mover of the motion. The hon. gentleman who has just spoken has made a very considerable speech, not dealing at all with the subject which is before the House.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. EDWARDS—But a motion dealing with individuals and with a question which was before this House some years ago, and which was before this House not in the best interests of the company involved, and not in the best interests of the people who were insured in that company in Canada.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. EDWARDS—I am one of those who never appreciated the examination which the hon. gentleman has referred to. I do not think it was an examination, or at any rate a committee conducted at all in accord with the high dignity of the House from which it derived its powers, and I regret most exceedingly that my hon. friend has introduced this subject. I want to know what good will come out of it? Just exactly as much good as evolved from that committee: None whatever.

Hon. Mr. CLORAN—The officials complained of are in jail.

Hon. Mr. EDWARDS—That makes no difference. They are not in jail as a result of anything which was done here.

Hon. Mr. CLORAN—Yes, exactly.

Hon. Mr. EDWARDS—They are in jail as a result of investigations which took place in the United States with regard to insurance companies generally, and having nothing to do with this matter at all. In the first place I want to ask, in what way the company can be made to respond to the request which is made here? How can that be done? I imagine that the only way in which that can be accomplished would be by a joint resolution of both Houses. They could be asked for the information, and if they declined to give it, the government could refuse to renew their license. But the government cannot do away with their charter. Parliament perhaps can do that, but not the government. So that I think the matter has been ill considered. I am somewhat an old member of parliament. I have heard charges made on various occasions in the Commons of Canada. When these charges were made, they were individual charges against individual members, the member making the charge taking the responsibility for what he stated.

But here is a fishing investigation, a slur and an insult to every member of this House, nothing more or less. I regret it. I speak warmly, not because of any antipathy to my hon. friend who introduced the subject, but because I feel the insult that has been offered to every member of the Senate. What good can result from it? None at all; but, hon. gentlemen, the die is cast; we cannot recede. The unfortunate investigation has to go on. Can members of this honourable House accept the position and lie under that charge? It is unfortunate for the people of Canada, and unfortunate for this honourable body that such a charge should be made by one of our colleagues, involving as it does the honour of every member of the Senate. I regret it exceedingly. I understand further that there is nothing in the report that involves the necessity for this motion. Coming for one moment to the question of costs, every business man knows that investigations of this kind, in so far as attorney's fees are concerned, are very expensive. Eminent counsel were engaged from Toronto, Montreal and other places. My hon. friend himself has told us that the fee of one lawyer, Mr. Coster, should have been $3,000. He says seven eminent counsel were engaged on the other side. If these gentlemen were paid at the same rate, that would account for $21,000. Furthermore, an investigation of this kind is more expensive for foreigners than it would be for people residing in the country, and necessarily so. Coming as they did to a foreign country, they engaged more counsel and were put to greater expense. I regret for the honour of this House, and I say it feelingly, that such a motion was ever placed upon our order paper.

Hon. Mr. BEIQUE—I desire to add one word somewhat on the lines which have been covered by the speech of the hon. gentleman from Rideau. I could understand the hon. member from South Wellington finding the figure of $20,000 rather high and evincing a desire to satisfy his curiosity as to the details of that sum, although he had the statement of Mr. Eldridge that this amount represented all expenses paid to counsel for attending before the committee and covered the expenses generally involved in that investigation. All we could have found fault with, if he had persued that course, was that the hon. member was too inquisitive, but I fail to see how the hon. gentleman could be justified in basing on the statement found in the evidence of Mr. Eldridge the inference which he draws from that statement, to wit, that some portion of that money must have been paid to members of parliament. It seems to me that there is no connection

whatever between the two. The hon. gentleman is not justified, in the face of the case he has laid before this honourabel House today, in the inference he has drawn from Mr. Eldridge's statement. However, the hon. gentleman will have to bear the consequences of the motion he has deemed proper to place on the proceedings of this honourable House. Every member of the Senate is bound to support his motion and give him an opportunity of finding out whether any portion of that money was paid to a member of parliament and it will be the duty, ultimately, of this honourable House to pass judgment upon the result of the investigation and upon the propriety of making this motion. I therefore propose to support the motion before the House. I desire, however, to add one word further, and in doing so I have to be excused for speaking outside of the motion and following the hon. member from Wellington and possibly a little the hon. member from Victoria. The hon. member from Wellington has travelled outside of his motion for the purpose of giving a history of the Mutual Reserve Association and attacking the company. Let me explain briefly what took place in 1904. The Bill which was passed that session was passed not as the result of the investigation of the special committee, but as the work of the Committee on Banking and Commerce and of individual members of this House. That Bill, which became law, was for the purpose of coming to the relief of a large number of policyholders of that company and to the relief of some eight million dollars of policies which had lapsed during nine or ten years, and for the purpose of giving the policy-holders the right to ask that their policies be revived. It was for the purpose of placing that company which had been established on a wrong system on the straight and regular insurance system and compelling the company to deposit with the government from time to time a sufficient amount to guarantee the policyholders in that company which they had not done before. They were not allowed after the passing of that Act to do any more business on the assessment system. They were limited to the ordinary insurance business, and the policy-holders in that company, except those who chose to remain under the assessment system, were fully protected. They are non-participating policyholders. They are obliged to pay only the regular rates, the rates which they would have paid if insured in other companies, and it is the duty of the officials of the government to see that a deposit is at all times kept here in the hands of the government sufficient to fully guarantee the payment of policies when they mature, and to see that if the company should come to grief that there is enough money in the hands of the government to reinsure all those policy-holders with another company.

Therefore I say that this legislation was for the purpose of coming to the relief of the policy-holders of that company, and it did very great service to a large number of people in this country. It was not the company's Bill. The company came with a different Bill altogether, and some members of the Senate changed it in the direction I have mentioned. There was besides that measure the investigation to which the hon, member from Victoria has referred. I happened not at the outset, but subsequently and against my will, to be appointed to that committee. As a member of that committee I formed part of the opposition. That opposition did not try to prevent the investigation taking place, but did not try to keep it within proper limits, so that there would result no discredit to this honourable House from the action of that committee. These were the sole efforts of what is called the opposition on that committee. The result, when the investigation was through, was placed before this House for the judgment of the Senate. Instead of doing the good that has been mentioned, I claimed then, and I claim still, that that investigation was directed not so much against the company as against the policy-holders in that company, and if that effort had not been counteracted, the result would have been that all the parties insured in that company would have lost their policies, and would have lost considerably from that investigation.

Hon. Mr. CLORAN—Will the hon. gentleman now give his appreciation of the prosecution of the company by the New York authorities after that investigation ?

Hon. Mr. BEIQUE—I am not defending the company at all.

Hon. Mr. CLORAN—It looks like it.

Hon. Mr. BEIQUE—On the contrary ; in 1904, as the result of the investigation which has been made, I placed before this honourable House the conclusions as I thought they should be drawn from the evidence, and for my part I declared that a number of irregularities had been committed by the officials of that company. At the same time, I declared what I thought was in the interest of the policy-holders and I tried to protect only the policy-holders. My present statement is made only with this object, to protect the policy-holders of that company. The hon. member from Wellington has spoken in such a way that a number of the policy-holders in that company may be discouraged. They may be led to believe that they are not properly protected, and that they are exposed to lose their money if they do not continue to pay their premiums. It is not so. They are fully protected by the deposit made with the government and which the company is bound to continue with the government so long as there are policy-holders of the company in Canada. The result of that legislation is that the deposit is not for the benefit of all the policy-holders of the company but for the exclusive benefit of their Canadian policy-holders. The hon. gentleman from Victoria has taken this occasion to make a violent attack on Mr. Eldridge and to compliment Mr. Wells and Mr. Patterson. For my part, I have no desire to follow him on that ground at all. I am not here to defend Mr. Eldridge. I leave it to the judgment of this honourable House to judge of the propriety of any senator taking occasion, on a motion of this kind, to abuse foreigners and others who have no opportunity to defend themselves.

Hon. Mr. WILSON—This discussion has taken a very wide range and has deviated entirely from the question at issue. I desire to make a few remarks in reply to statements that have fallen from the hon. gentleman from Rideau and the hon. member from de Salaberry. I can see no reason why the hon. member from Wellington should be censured so severely as he has been. As a member of this House he has a right to put a notice of motion on the order paper, and it is the duty of the Speaker, if he considers it improper, to see that it is removed from the order paper. The question is, did he put a proper or an improper question on the order paper ? I do not concede that it was improper. We had sharp discussions here in 1904, and attacks made from every quarter, and I can understand the desire of my hon. friend from Victoria to defend himself when he and the committee of which he was chairman are attacked. In 1904 they were told that the investigation should be undertaken by the Committee on Banking and Commerce. We did not feel that that was the proper course to pursue. The Mutual Reserve Company had done something in this country for which it deserved to be reproved. I say without hesitation that that company's operations in Canada were nothing more nor less than a fraud upon many people who had insured with them.

My hon. friend from de Salaberry says he came to the rescue of the policy-holders and tried to protect them. I ask him to mention a single instance in which the Act of 1904 has benefited any policy-holder of the Mutual Reserve Company ? I have not found one ; on the contrary I have had them come to me asking me to advise them what course to pursue, and I have been obliged to tell them that I could not give them any advice. The Bill was introduced in this House, and became law, and I do not believe that there are half a dozen lawyers in the country to-day who can say if anything can be done under that Bill, as it was introduced by the hon. member from de Salaberry, which would help the policy-holders. Talk of protecting the policy-holders ! It is nothing but a deception to them. If the hon. gentleman can tell me who has benefited by that legislation, I should like to hear him mention it. That legislation cost the country a very large amount of money. Who was to blame ? The Mutual Reserve Company was to blame. They in their avariciousness absorbed companies in Canada and in the United States and wherever they could. On one occasion they agreed to pay $120,000 for the Provincial Provident Association. Did they pay it ? They made the bargain, and the trustees of the Provincial Provident Association went to New York to ratify the agreement. When we got there what did we find ? We found Mr. Eldridge, according to his own statement before our committee—that committee

which has been so strenuously objected to—that if he had carried out the agreement made between the Provincial Provident Association and the Mutual Reserve, he would be behind the bars. If he had been, it would have been only a little in advance of what is likely to occur in consequence of his actions in connection with this Mutual Reserve Association. They agreed to pay $120,000 for the business of the Provincial Provident Association. They got the goods and then refused to pay. Would that indicate that they should be protected ? I should think not. If my hon. friend from de Salaberry had in view the protection of widows and orphans, he would, perhaps, have accomplished some good; but, on the contrary, the company were protected. They were put in a position to go on and transact business. Have they in any way protected those who had been insured in the company before that time ? No. We to-day do not stand in as good a position as we did before. With all the legislation we have had and with the amount of money paid on account of that legislation, we to-day are in a worse position, so far as the Mutual Reserve Insurance Company is concerned, then we were before the Act of 1904 was passed. How then can it be contended that that Act was beneficial to Canada ? Did the people of Canada benefit by the amount of money spent on that occasion ? I think not, and I am surprised to hear my hon. friend contending that the Act was advocated in the interest of the country. The hon. gentleman said he tried to prevent the committee from going to an extreme. He did, I must confess ; he tried to prevent the committee making that thorough investigation which otherwise they very likely would have done in the interest of the people. But we find to-day that no benefit has accrued to the people from the Act of 1904. It certainly has been no benefit to the people who were insured in the Provincial Provident Insurance, a charter which was stolen by the Mutual Reserve. I have yet to learn of one single advantage that accrued from that legislation, although it cost the country a large amount of money. Under the circumstances, I contend there is no ground for the charges which have been made against the hon. senator from Wellington. He has declared upon the floor of the House that in putting his notice on the order paper he had no intention of insinuating anything against any member of this House or suggesting that any member of parliament had received money illegally on account of that legislation. I say it is unfair to any hon. gentleman who has made a retraction, if there is any necessity for retraction, to charge him with doing something which he has not done. But my hon. friend from Rideau (Hon. Mr. Edwards), says that no good can possibly come from this inquiry ; that, on the contrary it is one of the worst possible things that could come before the House. I hold the opposite view. If the company has misrepresented what occurred in Canada and the statement quoted by my hon. friend from Wellington from the official documents from the State of New York is untrue, then it is the bounden duty of this House to take the matter into consideration and to show that no member of either House of parliament has received any consideration on account of his efforts to protect widows and orphans from being robbed by the Mutual Reserve Association of New York.

Hon. Mr. POWER—There is just one observation which the hon. senator from St. Thomas made in which I concur. I think he is right in saying that this notice of motion should not have been allowed to go on our order paper.

Hon. Mr. WILSON—I beg the hon. gentleman's pardon. I will have no words placed in my mouth that I did not use. I said that if it was an improper motion it was the duty of the Speaker to see that it did not appear on the order paper.

Hon. Mr. POWER—I do not wish to reflect on his honour the Speaker; but really looking at the matter now, I think it was his duty to see that that notice did not go on the order paper. But it was in order for any member of the House to have called attention to the notice and have it stricken off the order paper. The hon. gentleman from St. Thomas has said there was nothing improper in the notice given by the hon. senator from Wellington. What is the notice ? He says :

I shall move that the company be required to furnish the names and detailed statements of the amounts paid, if any, to senators and members of parliament in Canada, or to the respective firms to which they being, in connection with the said investigation and copies

of all cheques issued and receipts given therefor.

Now, when an hon. member of this House puts a notice on the paper which so clearly implies that there had been bribery of members of the House, he should be prepared to substantiate the charge.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. POWER—But what has been the line taken by the hon. gentleman ? We thought, we naturally would think, that there would be some attempt, some semblance of an attempt, to show that there was reason why this inquiry should take place. But how was it ? Did the hon. gentleman devote himself to showing the necessity for this motion of his ? Not at all. He gave us a discourse on the manner in which the business of the New York Mutual Reserve Life Association had been conducted, but he never gave any reason, nor did he tell us anything to cause the slightest suspicion that any moneys had been improperly paid to any member of either House.

Hon. Mr. WILSON—The hon. member from Wellington puts it : 'Amounts paid, if any.'

Hon. Mr. POWER—'Don't nail his ears to the pump'—'If any' is a sort of saving clause. It is not perhaps the correct thing to refer to speeches of hon. gentlemen, but still it is the usual practice. The senator from Wellington made a speech of considerable length. He never dealt with the resolution at all. Then the hon. gentleman from Victoria made another speech of considerable length and he never dealt with the question. The hon. gentleman from St. Thomas made a speech, not a long speech, bnt he did not deal with the question before the House. The fact is the speeches of these hon. gentlemen reminded me very much of what a clergyman once said about the sermon of another clergyman that if the text had had the small-pox, the sermon never would have caught it. I may be allowed to repeat, this is the only evidence that either hon. gentleman has been able to produce to sustain the serious charge implied in the notice given. This is the examination of Mr. Eldridge before the Armstrong Commission at Albany :

Q. What were your expenses in connection with the Canadian matter ?

A. My recollection is that they were about $15,000.

Q. And that was expended for what purpose?

A. Well, to a considerable extent for attorneys fees and representations before the committee.

'Representation' does not mean moneys paid to senators or members.

Hon. Mr. TESSIER—What does it mean ?

Hon. Mr. WILSON—We would like to know the meaning of the word 'representation.'

Hon. Mr. POWER—You cannot construe the word 'representation' so as to make it mean 'moneys paid to members.' The examination proceeds :

Q. Were there any other expenses in any way except attorneys fees ?

A. Well, of course, I was in Canada in connection with the matter the most of the time from the middle of April until the latter part of July, and we had to have parties from the home office there at different times in response to the committee.

We all know that that was the case. We know that there were comparatively high officers of this company here from New York for many days, and that is a thing that must have cost a good deal of money.

Hon. Mr. TESSIER—Yes, big salaries.

Hon. Mr. POWER—So that nothing has been brought before this House to show that any money was improperly paid in connection with legislation—not a single word. The first statement made by the hon. gentleman from Wellington in his original notice, was that the company had expended $24,000. Well, the hon. gentleman took the figures, not for the investigation before the committee here, but the figures for the total expenditure of the company in Canada during the year 1904, and he assumed this money was all spent in connection with the investigation here. If hon. gentlemen will look at the blue-book containing the report of our superintendent of insurance for 1904, they will find at page 279 'miscellaneous expenditures during the year 1904' aggregated a little more than $25,000, of which a little more than $20,000 represents legal expenses. Hon. gentlemen must remember that the legal expenditures of the company were not confined to this investigation before the House. There were a number of important suits going on in Canada at the time, and a particularly important one was

the Angers case, and large sums were necessarily paid to the counsel of the company in that case and in other cases. Then, hon. gentlemen talking about the amount paid for counsel, must remember that the Hon. Mr. Geoffrion, one of the ablest and busiest counsel in the province of Quebec, was here during a great portion of that session, and that the hon. gentleman who is now Minister of Justice, was retained also; and my own feeling is that considering all the circumstances of the case, the sum of $15,000 expended in connection with that case was a very moderate one. I do not think that it is necessary to make any reference to the line taken by some hon. gentlemen, but I wish to make this observation: A committee is supposed to be a judicial body, particularly a committee of this House. The chairman of the committee takes the place of a chief justice. I submit to hon. gentlemen that the chairman of this particular committee has never, as far as I am aware, from the day the committee was moved for, assumed the position of a chief justice. He has all through assumed the position of a prosecuting attorney. I do not care myself what is done with the motion, because I do not wish to differ from hon. gentlemen who say that the motion must pass, but I say that there has not been the slightest *prima facie* case made out to establish the charge implied in the notice. Under these circumstances, I think it is really our duty to completely ignore it.

Hon. Mr. FERGUSON—I fully agree with the remark of the hon. gentleman from Halifax with regard to a lack of judicial spirit shown by the chairman of the committee and the gentleman who moved for the committee in 1904. There was nothing more calculated to turn the House against these gentlemen and their contention than that very spirit which was shown in their speeches, and we have had an illustration of that kind of speaking to-day in the remarks addressed to the House by the hon. gentleman from Victoria. I merely rise to say that that hon. gentleman has made a very serious charge against this House with regard to the payment of witnesses and payment for services in connection with that committee; his statement is that we refused to pay the witnesses on the side of the committee, while we allowed the same character of witness fees to be paid to Mr. Eldridge and his friends. I happen to know that this statement is altogether inaccurate. A strong statement was made to the House by the hon. gentleman with regard to our treatment of Mr. Coster. I remember that in the first instance he was paid a certain amount which had been considered as reasonable. An appeal was made to the House that the amount was not sufficient, and I remember moving in the House to appoint a committee to deal with it. The committee consisted of the hon. gentleman from De Salaberry and I think the hon. gentleman from Calgary, one or two other gentlemen and myself; we went into the matter very carefully, and we allowed what we considered was a very liberal remuneration for Mr. Coster. I may say further that the hon. gentleman from Rothesay expressed to me afterwards the opinion that Mr. Coster would be very well satisfied indeed, and he caused a telegram to be sent to him announcing the rate of remuneration to be allowed, and stated that he would be very well pleased indeed with our treatment of him in that regard. I deem it right to make this statement because an accusation has been made against the House as a whole with regard to that matter. I confess, although I must say that I do not exactly like the form of the motion made by my hon. friend from Wellington, that I do not know that it is going to do any harm. We should have a breeze of this kind, because there is sometimes a feeling among members of this House that legal men and their firms are appearing perhaps a little too much with legislation in the interest of corporations in this House. I have seen members of the House of Commons appear in support of or against measures in the Senate. I cannot say that I have any such complaint to make of any member of this House, but it has repeatedly come within my knowledge that members of the House of Commons have been appearing before Senate committees supporting private Bills, and I thought it should be put a stop to. The legislation of last year will pretty effectually deal with it. It is unfortunate that my hon. friend did not word his resolution in a more careful manner, so that no possible insinuation could be interpreted

from it against any member of the House. Perhaps no harm can be done by ventilating the matter so that in future legal gentlemen of this House and the firms they represent will have a better understanding with regard to the feeling that prevails on this subject.

Hon. Mr. CLORAN—Will the hon. gentleman please state to the House wherein my statement was inaccurate?

Hon. Mr. FERGUSON—The hon. gentleman stated that we had refused to pay the expenses of Mr. Patterson.

Hon. Mr. CLORAN—Which was a fact.

Hon. Mr. FERGUSON—Which was inaccurate. We paid Mr. Patterson a reasonable witness fee, but the contention was set up on his behalf that he should be paid a larger amount as an expert, which we had no right to pay.

Hon. Mr. CLORAN—I should like—

Some hon. MEMBERS—Order.

Hon. Mr. CLORAN—I rise to a question of privilege.

Hon. Mr. POWER—What is it?

Hon. Mr. CLORAN—My statement is challenged.

Hon. Mr. SCOTT—That is not privilege.

Hon. Mr. CLORAN—I state that Mr. Patterson was not paid, and the hon. gentleman says that statement is inaccurate.

Hon. Mr. POWER—Order.

Hon. Mr. CLORAN—The order is to have a straight statement of facts. Either I am wrong or I am right. If I am wrong he is right, but I contend the documents and facts prove that I am right. Mr. Patterson has never been paid, and he is still writing for his money. Mr. Coster has not been paid and wants his money notwithstanding the statement we have from another party that Mr. Coster was satisfied. Those are the facts, and the hon. gentleman from Wellington has received letters from Mr. Patterson asking for payment of his bill. He received a paltry sum.

Hon. Mr. FERGUSON—The hon. gentleman says he was not paid anything.

Hon. Mr. CLORAN—I did not say that he received nothing. The hon. gentleman from Marshfield had no right to make the remark before the House that my statement was not accurate. My statement was fully founded on facts, and as far as the statement of the hon. gentleman from Halifax is concerned, I can pass that over. All my rulings in the committee were maintained.

The SPEAKER—I call the attention of the hon. gentleman to the fact that he has exhausted his right of reply.

Hon. Mr. CLORAN—My decisions were all sustained by the House.

Hon. Mr. McMULLEN—I have already stated to the House that I had no intention whatever of offering any insult or making any insinuation regarding the integrity or honour of any member of this House or of the Commons. I may possibly have framed my resolution in language that is susceptible of improvement. I regret that it is so. I thought when I put in the words 'if any' that I covered every imputation of any kind. Now in the first place, if you charge me with casting any aspersion upon members of this House and members of the other House, what will you impute to the Chief Justice of the Supreme Court of the country when he, in his official capacity, as Minister of Justice, introduces a Bill in the Commons covering this particular point, prohibiting interference of senators or members of parliament who are lawyers from appearing before committees on behalf of their clients? It has been prohibited, and is not now allowed. Will you say that Mr. Fitzpatrick, in introducing that law, is casting a reflection, a slur and an imputation on every lawyer in the Commons and in the Senate? You may just as well charge the Minister of Justice with that as charge me, because I submit a resolution to the House to ascertain if any irregularity did occur.

Now, with regard to this matter, it is well known that at the time of that investigation there were whisperings around the corridors of this House that a number of lawyers were taking a very active part in opposing it. I do not know, nor I would not for a moment attempt to insinuate, that they were doing it from any other cause than a feeling perhaps in their own heart that it was their duty to do it. I will admit that that may have been the case, and I am satisfied that the returns which I have

asked for, when produced, will establish the facts. I earnestly hope that every man in this House and in the Commons will get a clean certificate, and it will appear that no wrong-doing has occurred. I have been amused at remarks which have dropped from some of the lawyers in this House. I was amazed, for instance, at the remark that dropped from my hon. friend from De Salaberry. He condemned the resolution. He criticised it severely, and before he took his seat he turned around and said, 'I am going to vote for it.' I cannot understand a man adopting a course of that kind. It is amazing that an hon. gentleman would place himself in such an awkward position as that. I am not a lawyer, and I would feel ashamed to place myself before the House in such a position as to criticise a resolution, and then say, 'notwithstanding it all I am going to vote for it.'

Hon. Mr. LOUGHEED—Will my hon. friend be good enough to inform the Chamber how he proposes to enforce this resolution?

Hon. Mr. McMULLEN—I am not high up in parliamentary procedure, or in the methods by which such things are enforced. I do not know whether it can be enforced at all or not. My impression is that if the company do not comply with the demand of parliament that parliament could refuse to continue their charter. I may be mistaken, but I have been informed that they could do so. Surely the company is under the control of parliament in some shape or form. It certainly ought to be. If not, of course we cannot enforce it.

The motion was agreed to.

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I should like to ask my daily question of the hon. Secretary of State, whether he has any information as to the progress made in the erection of the Marconi tower on Prince Edward Island?

Hon. Mr. SCOTT—I have every reason to believe the work is progressing with all despatch, but I have had no opportunity of seeing any gentleman who would know anything about it. On Wednesday the House meets at two o'clock; so that there is no meeting of the cabinet on that day.

Hon. Mr. FERGUSON—To-morrow, perhaps, the hon. gentleman will have the information. Two hundred thousand people are deprived of telegraphic communication because of the stoppage of the service.

Hon. Mr. SCOTT—Are they not availing themselves of the means of communication to be had on the steamers?

Hon. Mr. FERGUSON—No, there is no communication.

## BILLS INTRODUCED.

Bill (12) An Act to incorporate the Malone and Hopkins Point Railway Company—(Hon. Mr. Cloran.)

Bill (41) An Act respecting the Manitoba and Northwestern Railway Company of Canada—(Hon. Mr. Douglas.)

Bill (42) An Act to incorporate the Eastern Townships Railway Company—(Hon. Mr. Mitchell.)

Bill (43) An Act respecting the Dominion Central Railway Company—(Hon. Mr. Frost.)

Bill (44) An Act respecting the Canada Atlantic Railway Company—(Hon. Mr. Kerr.)

Bill (47) An Act respecting the London and St. Clair Railway Company—(Hon. Mr. Coffey.)

## THE JORDAN-ERIE POWER COMPANY BILL.

### SECOND READING POSTPONED.

The Order of the Day being called:

Second reading (Bill N) An Act to amalgamate the Jordan Light, Heat and Power Company and the Erie and Ontario Development Company, Limited, into one corporation under the name of 'The Jordan-Erie Power Company.'

Hon. Mr. POWER—In the absence of the hon. gentleman from Lincoln (Mr. Gibson) I move that this Order of the Day be discharged and placed on the Orders of the Day for to-morrow.

Hon. Mr. LANDRY—This Bill is printed in French. I do not know why we are not proceeding with it.

Hon. Mr. POWER—We are not proceeding with it.

Hon. Mr. LANDRY—I do not see why.

Hon. Mr. DAVIS—The hon. gentleman who has charge of the Bill is not present, and we want an explanation of this measure and I think the hon. gentleman from Halifax is perfectly right in moving the postponement of the second reading.

Hon. Mr. POWER—I have never known that courtesy to be refused. I am not moving the second reading, I am asking that the order for the second reading be discharged, and that the Bill be placed on the Orders of the Day for to-morrow.

Hon. Mr. DAVIS—Quite right.

The motion was agreed to.

SECOND READING.

Bill (14) An Act respecting the Georgian Bay and Sea-board Railway Company—(Hon. Mr. McMullen.)

The Senate adjourned until three o'clock to-morrow.

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## THE SENATE.

OTTAWA, Thursday, January 31, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. FERGUSON—I rise for the purpose of raising a question of privilege. Yesterday a statement was made by an hon. gentleman in this House which, if true, reflected—in any case it reflected—upon the honour and dignity of this House. The statement was that this honourable House had refused to pay the witnesses that were subpœnaed and examined before the committee appointed to investigate the affairs of the Mutual Reserve Life Association two years ago; that while witnesses that were called in the interests of the Mutual Reserve Association were paid, they refused to pay those that were summoned on the other side. I have in my hand a list prepared by the accountant of the House, of all the witnesses of whom we have any record, that were examined before the committee and the amounts paid to each of them. The list reads as follows:

Mr. Bradshaw, actuary from Toronto, $42.50.
J. T. Patterson, $240.
J. D. Wells, $280.
E. Pendleton, $97.
Geo. D. Eldridge, $155.60.
J. M. Stevenson, $55.
R. B. Cameron, $32.80.
D. E. Cameron, $32.80.

And the counsel employed by the committee to present the case against the Mutual Reserve Life Association was paid $1,833.60.

Hon. Mr. CLORAN—I did not catch the import of the statement of the hon. member from Marshfield. Does he mean to say his statement is correct as made yesterday afternoon, or that my statement is not correct? His words were smothered in the noise.

Hon. Mr. FERGUSON—My observations which led to the reading of these figures were, that the hon. gentleman had, yesterday, made a statement in this House that the House had refused to pay the expenses of some witnesses that were called in the interests of the committees against the Mutual Reserve Life Association, while we had paid a large amount to Mr. Eldridge, a witness called on the other side, and now I have submitted these figures.

Hon. Mr. CLORAN—In reply, I beg to state that the figures given by the hon. gentleman from Marshfield were never seen by me, and do not contradict my statement that the principal witness and the attorney for that committee, engaged by order of the committee and sanctioned by the House are not yet paid. Payment has been refused There is $1,200 due to Mr. Coster, sanctioned by this committee and ordered by the House in the first instance. Mr. Patterson's fees are not paid, and why? Why is it the hon. gentleman rises on the floor of this House to give to the country a statement that these gentlemen have been paid, is more than I can understand. The facts are there, that neither Mr. Patterson nor Mr. Coster has been fully paid. They have been partly paid, but part of Mr. Coster's bill

is not yet settled and none of Mr. Patterson's fees have been paid. So my statement stands.

## THE MAGYARS CASE.

### INQUIRY.

Hon. Mr. PERLEY inquired :

What were the facts that induced the government to commute the sentence of one Magyars to imprisonment for life in the province of Saskatchewan after he had been convicted on the charge of wilful murder and sentenced to be hanged ?

Hon. Mr. SCOTT—The facts that influence the prerogative of mercy are never made public. They are submitted on a recommendation from the Minister of Justice to the Privy Council and again submitted to His Excellency the Governor General. In England they are submitted to the Home Secretary and are not there either given to the public. The question was asked in the other House, and several gentlemen spoke on the subject. I may briefly quote the opinion of the Minister of Justice on the subject, although it arose on another case, but the opinion then expressed applies directly to the case submitted by the hon. gentleman to the House. I am quoting now from page 5183 of Vol. 3, 'Hansard' of 1906. Mr. Aylesworth said :

His Excellency the Governor General of May 22, 1906, approved a recommendation that the prisoner Brothier be released from further custody. Brothier was released accordingly, on May 29, 1906, having been sentenced on March 15, 1904, to imprisonment for five years and two years. In Great Britain, for the last sixty or seventy years, the administration of the prerogative of mercy has devolved upon the Secretary of State for the Home Department, who is considered as being directly and exclusively responsible for the same. In Canada His Excellency the Governor General is, by his instructions under the Royal Sign Manual, authorized and empowered, as he shall see occasion, when any crime or offence against the laws of the Dominion has been committed, to grant to any offender, convicted of any such crime or offence, a pardon, upon receiving, in capital cases, the advice in that behalf of the Privy Council for Canada and in other cases, the advice of one of his ministers. In cases other than capital cases, such advice has been in practice that of the Minister of Justice. In the present instance, the recommendation for the prisoner's release, was made by the Minister of Justice. In the view of His Excellency's advisers, it would be, as a general principle, unusual ; and inconvenient to lay before parliament the grounds on which that discretion proceeds which dictates leniency or severity on the part of the responsible adviser of the Crown ; the course of general practice in the past has been in accordance with this principle, and it is considered that in the present case, no special reason exists for departing from the general rule.

This was not a capital offence, but, as Mr. Aylesworth explained, in capital cases it comes before the Privy Council, and it is on the recommendation of the Privy Council to His Excellency that the commutation is granted.

Hon. Mr. PERLEY—I am somewhat disappointed with the answer, because this is a case of more than ordinary importance. The people of the Northwest are law-abiding, and believe in enforcing the laws of the country. In this case the criminal had a fair trial by a jury of his countrymen, before a good judge who endorsed the verdict of the jury and complimented them on the correctness of their verdict. The case was appealed to the full court at Regina, and they also endorsed the verdict. It was subsequently appealed to the government here, and they have seen fit to commute the sentence. It was a most aggravated case of murder. There was no cause for the man committing the crime. He was a labourer, and committed the crime on the most trifling offence. After a fair trial, he was sentenced to be hanged. I regret to say that the commutation of the sentence is a reflection on the government. In the Northwest there is strong feeling in the matter. Although I do not live within 150 miles of the place where the offence was committed, I have been written and spoken to by several people there who condemn the decision of the government in unmeasured terms. The feeling in that country in the minds of a large number is that the commutation was granted for political purposes.

Hon. Mr. SCOTT—Shame, Shame ! No truth in it ! False !

Hon. Mr. PERLEY—I say that is the statement that has been made to me.

Hon. Mr. CASGRAIN (de Lanaudière)—Name ?

Hon. Sir RICHARD CARTWRIGHT—The remarks of the hon. gentleman from Wolseley show more clearly than anything that I can say the extreme inexpediency,

to say the least of it, of reviewing such proceedings as those he has now requested an explanation of. I may also say, if there is one thing more than another on which the government of any country will exercise care and feel bound to act under a sense of the greatest responsibility, it is a question of either carrying out a sentence, or respiting a man condemned for capital crime.

I can tell the hon. gentleman, and I can tell the House and the public of Canada, and I speak from long experience in several governments, that no capital case ever comes before the Privy Council—and I am quite sure that the same was the case with our predecessors—which does not receive very careful consideration, more particularly from the Minister of Justice for the time being. But every hon. gentlemen will see that there may be matters submitted to the council which cannot, with any degree of propriety, be made public, but which nevertheless would influence their judgment considerably. I may also add, that it is well known—and therefore I may allude to it—that in no case where capital punishment is involved does the government act without communication with the judge who tried the case. I must say that I cannot conceive that any good purpose, particularly where the sentence has been commuted, can possibly be served in reviewing a decision arrived at by the Privy Council under a sense of their responsibility in either House of parliament.

## CONTRACTS FOR SECTIONS OF THE NATIONAL TRANSCONTINENTAL RAILWAY.

### INQUIRY.

Hon. Mr. FERGUSON inquired of the government :

1. What portions, stated in sections and miles, of the eastern division of the National Transcontinental Railway have been placed under contract by the government up to the present time ?

2. What is the nature of the work embraced in the contract or contracts referred to ; are they for grading only, or does any of them include tracklaying or ballasting, or all three operations ?

3. What will be the cost per mile of grading, tracklaying and ballasting, stated separately or all three operations combined, on each section of the said eastern division embraced in the aforementioned contracts ?

4. What is the maximum grade of the sections of the said railway embraced in the contract referred to ?

And will at the same time ask similar questions regarding contracts let by the Grand Trunk Pacific Railway Company on the western division of the said National Transcontinental Railway.

Hon. Mr. SCOTT—The answer to question No. 1 is : Number one section of a hundred and fifty miles from the north abutment of Quebec bridge westerly, and a section of 244 miles from a point near Winnipeg easterly to the junction with the Thunder Bay branch of the Grand Trunk Pacific Railway near Prince Albert crossing.

The answer to the second question is : grading, track laying, and ballasting.

The answer to the third question is : the estimated cost of grading, track laying and ballasting of the Quebec section is $39,492 per mile and for the 244 miles from Winnipeg easterly, $53,552 per mile.

The answer to the fourth question is : the maximum grade adverse to east bound traffic on both of those sections is ·4 per hundred feet, and adverse to west bound traffic ·6 per hundred feet.

Hon. Mr. FERGUSON—Then in the latter part of the question I desire similar information regarding contracts let by the Grand Trunk Pacific Railway on the western division of the said National Transcontinental Railway ?

Hon. Mr. SCOTT—We would not have that in the department. At all events it has not been sent to me.

Hon. Mr. FERGUSON—The government will have it, because they have to approve of the contracts. My hon. friend has not it before him ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—We shall let it stand.

Hon. Mr. SCOTT—I do not know that we will have it. We would approve the plan, but we would have no control over anything more.

Hon. Mr. FERGUSON—Yes, the government have to guarantee bonds of this road, and it must be approved of by them.

The SPEAKER—Then the question may stand.

Hon. Mr. SCOTT—The parts that are answered need not stand. It is only the last question.

Hon. Mr. FERGUSON—The whole question had better stand.

## LEGISLATION REGARDING LIFE INSURANCE.

### INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired of the government :

When will the report of the Insurance Commission be laid before parliament, and whether it is the intention of the government to deal with the subject of life insurance by legislation during the present session ?

Hon. Mr. SCOTT—The government have not yet received the report of the commission, and, at this period of the session, I doubt whether it will be possible to have any legislation based on it. The report has not been received and, therefore, has not been considered so far. It is expected in a short time. It has been expected from time to time, and I cannot speak positively on the subject.

Hon. Sir MACKENZIE BOWELL—My reason for asking the question was, I saw it indicated in a telegram from Ottawa that there was not likely to be any legislation on the question this session. I think it is singularly unfortunate that such is the case, because as long as legislation dealing with the subject is delayed, as I presume the government intends to deal with it. It keeps the companies in a state, I may say, of disquietude. They scarcely know what to do, and people who are thinking of insurance are waiting to see what the legislation will be, and look forward to more restrictive legislation in regard to insurance companies. That is my only reason for asking the question. I think the government realizes the state the different companies are in at the present moment.

## PAYMENT OF SESSIONAL INDEMNITY AND TRAVELLING EXPENSES TO SENATORS.

### MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That the clerk of the Senate be requested to lay upon the table, copies of all correspondence had between him as clerk of the Senate, and the Department of the Auditor General, and that of the Department of Justice, relating to the payment of sessional indemnity and travelling expenses to senators.

He said : This is a question which has created a great deal of discussion, and the opinions which exist upon the question are so varied, that I deem it well to look into the subject carefully and to consider the provisions of the Act under which these indemnities are paid. I have put my views in writing in order that I may be better able to explain to the House the reasons why I have placed this motion upon the Order paper.

I make no apology for having given notice of this motion ; at the same time I wish it distinctly understood that it is not made for the purpose of casting reflection upon any member of this Chamber or of the House of Commons, but solely for the purpose of bringing under the notice of the Senate the involved and unfair provision of the Act now upon the statute-book providing for payment of sessional indemnities to members of the Senate and to members of the House of Commons, and to call attention to what I consider an injustice which may result in regard to the attendance of members, not only in this Chamber, but also in the other branch of the legislature.

It will be remembered that when the amended Indemnity Act was before parliament last session, I called attention to its involved provisions, and pointed out its unintelligible character, which would lead to difficulties in interpreting it, and that it would not have the effect intended by the government or by parliament. The Commons, however, in its wisdom or jealousy of its powers, rejected some amendments made to the Bill by the Senate, which, if accepted, would have removed some of the anomalies which disfigured the Bill. This Bill is further evidence of the inconvenience and impropriety of rushing measures through this House a few hours before prorogation.

It will be remembered that the Bill was submitted to parliament a few hours before prorogation, and it was impossible for any member to analyse it properly and compare it with the Act which was then upon the statute-book, so as to enable him to arrive at a correct conclusion as to its real meaning. Let us analyse its provisions, and what do we find ?

Under the Act respecting the Senate and House of Commons, passed in 1905, increasing the sessional allowance to members to $2,500, it provided that a member would not be entitled to said allowance for less than 31 days' attendance ; meaning by that, it was supposed, 31 days actual attendance in his seat ; because a provision in the old law, which allowed certain days of adjournment to be counted as days of attendance, for the purpose of entitling a member to the full indemnity, was, in the amended Act, repealed. During the last session, however, under the plea that a clause in the old Act had inadvertently been omitted, which excused a sick member, under certain conditions, from the penalty imposed for non-attendance on sitting days, the Act of 1901 was amended so as to revive that clause ; but, in doing so, the provision above referred to, which allowed the days of adjournment to be reckoned as days of attendance for the purpose of making up the 31 days required to entitle a member to the full indemnity, was tacked on to the clause, thereby reviving it, but in a more far-reaching manner than it did in the old law, or was ever intended. In the old law, only the days of adjournment which occurred after a member had made his first appearance in the House, could be reckoned as days of attendance, whereas under the present law, as amended last year, all days of adjournment are allowed to be reckoned as days of attendance for the purpose of the indemnity, irrespective of the day a senator first attended a session of the House. Let me give you an example : A member at the opening of a session may be present for an hour or so, during which his duties would consist chiefly in admiring the comely and smartly gowned members of our fair sex, and perhaps escorting one of them, at the conclusion of that function, to the refreshment room of one of our hospitable Speakers. He might then depart and spend the balance of the time during which the session would last, attending to his own business, or in travelling through Europe or some foreign country. On his return he could claim the full indemnity of $2,500 less $15 per day for every day (except 15), on which he was absent when the House sat, and get paid for the same. To better illustrate what I mean, I will take the session of 1906, as it affected this House. That session opened on the 8th of March and ended on the 15th of July following, lasting therefore 128 days. During that time there were 67 actual sitting days and 61 days of adjournment. Now let us suppose that a member attended, as I have before pointed out, the day of the opening and then absented himself during the balance of the session. Under the present law, as interpreted by the Minister of Justice, those 61 days of adjournment would more than make up the 30 days required by that member to complete, with his one day's attendance at the opening, the 31 days attendance required to entitle him to the full indemnity of $2,500. But, as the House sat on 66 days which he was not present, $15 a day, for those absent days must be deducted, less the fifteen days of grace allowed by law to which he is entitled ; therefore, if 15 days grace be deducted from 66 days absence it will leave 51 days, which, multiplied by $15 amount to $765. Deducting the $765 from the $2,500 indemnity leaves $1,735 which that member would receive for his one day's attendance at the opening of the session. It is needless to add that the same rule would apply in the case of a member attending the House only on the day of prorogation, or on any other one day during the session.

The interpretation I have given to the Act, and the deductions to be drawn therefrom, will, I am convinced, be sustained by the correspondence between the clerk of the Senate and the Auditor General and the Minister of Justice upon this subject. Again, the interpretation given to the provision of the Act providing for the payment of a per diem allowance or actual travelling expenses, to a member when attending parliament, is equally unjust and unfair. The Auditor General and Minister of Justice have laid down the arbitrary principle that a senator claiming the per diem allowance of $15 a day for the time which it takes him to reach Ottawa, must live 400 miles in a direct line from the seat of government, not—bear in mind—the distance he may have to travel or the time it may take the senator to reach Ottawa. Let me give you two or three instances. Windsor to Ottawa, 474 miles. Sarnia to Ottawa, 425 miles. Not within the radius.

Let me give you one or two illustrations of how this works. You put one point of

your compass upon Ottawa, and take a radius of 400 miles from the seat of government; you find that Windsor is beyond the radius and a senator coming from Windsor would be entitled to the $15 per diem. But Sarnia is within the radius, and though it takes a senator living at Sarnia as long to reach Ottawa as if he lived at Windsor, he can only get his actual expenses. The one would get $20, while the other would get $60. There are other cases stronger than that. Take the case of a senator living at Edmundston, N.B., and the case of an hon. gentleman living at Rimouski. It is further from Edmunston to Ottawa than from Rimouski to Ottawa as people have to travel, but Rimouski is outside of the radius, while Edmundston, by taking a straight line as the crow flies is within it, and yet the senator from Edmundston would have to travel further and be put to a great deal more expense than the senator who lives at Rimouski, and the senator who lives at Rimouski would receive $15 per diem, while the senator living at Edmundston would get actual expenses only. My hon. friend who lives at Andover, N.B., furnishes a still stronger case. He has to travel over 600 miles to reach Ottawa, but he comes within the radius of 400 miles, and is deprived therefore of the allowance which is given to men who have not to travel so far, but who happen to live beyond the radius. The government and the House surely never intended this to be the case; but by the arbitrary rule laid down by the Auditor General and the Minister of Justice, all senators who happen to live within the radius of 400 miles are deprived of the advantages given to others. Let me ask my hon. friend the Secretary of State whether he thinks a statute of that kind should be permitted to remain on the statute-book. It is unfair and unjust. I am not saying that $15 should be paid to everybody, or what should be paid. All I desire to see is that the law should be so amended as to place every member of parliament on an equal footing. My own opinion is that the actual travelling expenses should be allowed, and that no distinction should be drawn between one class of members and another. It may be argued that people living in the far west, or beyond the Rocky Mountains are put to a much greater expense than those living near the capital. That is quite true, but if provision is made that each member is to be paid his actual expenses, then if a member happened to be snowbound in the Rocky mountains, his expenses could be legitimately paid. I have given some little attention to this question, and I hope the government will place the different Acts in relation to this matter on the statute-books in the hands of an expert of the department and make the law so clear that the clerk of the Senate shall not meet the difficulties that have presented themselves to him in the past in deciding what should be paid to any member. I may mention two further illustrations. The clerk paid two of the members $15 a day each, taking the common-sense view of the law, but when he ascertained where they lived and found that they were within the radius, he had to ask them to refund the amount over-paid. One gentleman has unfortunately passed away since he received the payment. I do not think any one who would read the Act casually would say that the clerk did not take the ordinary common-sense view that should be taken of it, and not the arbitrary one entertained by the Minister of Justice and the Auditor General.

Hon. Mr. POWER—The hon. gentleman from Belleville deserves the thanks of the House for having brought this matter up. It has been up on various occasions before, and has not been in a satisfactory condition for a good many years. It will be remembered that, a couple of years ago, the administration did undertake to deal with this matter, and that, as the law stood at the beginning of last session, every member, in order to draw the sessional indemnity, had to put in 30 or 31 days of actual attendance. I think the general feeling was that that was a proper thing; and hon. gentlemen will probably remember what a full attendance there was in the Senate during the early portion of last session. Unfortunately, in the Act as it stood last year, there was no provision for the case of a senator or a member of the other House who was at the capital but prevented by illness from attending the sittings of the House. It was felt that it was a very unfair thing that any member who had come

to attend parliament and was prevented by illness from attending, should have the days of his absence through illness deducted. There had been a provision that time lost through illness should count, in the previous Act, but it was omitted by over-sight when the law was being amended. I rise partly for the purpose of explaining how this unfortunate change took place in the law. The government introduced, through the Minister of Justice, last session, a Bill for the purpose of meeting the case of members who were ill at the seat of government. When that Bill was in committee in the House of Commons three or four words were, I will not say surreptitiously, but very quietly inserted in the government measure, and were not noticed when the Bill came to this House. It came to us late in the session, and senators had only the Bill as it was introduced by the government and were not aware of the change which had been made in committee in the other House. This particular clause of the Bill as introduced by the minister in the other House contained this proviso :—

> Provided that each day during the session on which the member is in the place where the session is held but is by reason of his illness unable to attend such sitting as aforesaid, shall be reckoned as a day's attendance at such session.

Then these words were inserted after the word provided :—

> On which there has been no sitting of such House in consequence of its having adjourned over such day.

So that very slight change made an immense difference in the effect of the Act. I take it for granted, as the attention of the government has been called to the fact that the object of their legislation of last year has been defeated by the insertion of these few words, that they will during the present session introduce legislation to cure that defect. It is a monstrous thing—and this thing has actually happened that a gentleman who does not attend until perhaps three or four days before the close of the session, should be able to draw something like $2,000 for two or three days' attendance. Hon. gentlemen know there is at the present time a great deal said and written about 'graft,' and the public are very keen now to suspect public men of doing things that are not perfectly straight and right in connection with public funds. You can hardly imagine anything which would appeal more to that sentiment of the public than the fact that hon. members of this House and of the other House were taking $2,000 for two or three days attendance.

Hon. Mr. FERGUSON—I think there can be but one opinion with regard to the first and major part of the question that has been raised by the hon. gentleman from Belleville, and further commented on by the hon. member from Halifax—that is with reference to the amendment made in the Act of last year by the insertion of those few words which so completely change the meaning and scope of the Indemnity Act. There can be no question, the Act should be put back, with regard to those 30 days attendance, to where it was in order to bring about better attendance. But I do not agree with my hon. friend with regard to the other part of his remarks which has reference to the question whether members should be paid the actual expenses incurred by them in travelling, or whether they should, as is the case in this Act, be allowed a per diem allowance for the time spent in travelling. The hon. member from Belleville says the object of the law ought to be to put every member of this House in the same position. Unfortunately, that is something which no law that we could pass would do. Hon. gentlemen who live within 100 or 200 miles of the seat of government are in a very different position from those who live a long distance from the capital, such as the hon. gentlemen from British Columbia who are 2,000 miles west of Ottawa, and those who come from the maritime provinces 1,200 miles east of the capital. It is impossible, by any law, to put them on the same footing, and more particularly in the position in which we find them placed now when, by managing the adjournments at the weeks end, gentlemen living in the vicinity of Ottawa are able to devote two days of every week to their own business at home, while those from more distant provinces have to remain at the capital. While the law should preserve a reasonable equality between those two classes of members, we ought all to be ready to admit that those living at a distance should be treated in a

different way from those living nearer the capital. The hon. member from Belleville seems to think that that will be effected by allowing all the members their actual travelling expenses ; but hon. gentlemen will see that that makes no allowance for the time consumed. Under the most favourable circumstances, a member from British Columbia would lose ten days coming to Ottawa and returning to his home, and the chances are that owing to difficulties in travelling, which are liable to occur, he might lose many more days. It does seem but right that where parliament cannot make up the disadvantage to a man living at a distance arising from severance from his business, which is not experienced by those who live near the capital, we should at least in our Indemnity Act make provision which would in the case of long delay in travelling, recompense, to some extent, those living at a distance, for their time and thus put them to that extent on an equality with those who live near the capital. For my part, I think the per diem allowance would be fair if it were properly applied. Members living at Ottawa would be entitled to nothing. Those living near the capital would be entitled to one day. It would be a simple matter if the per diem allowance were to apply to all, irrespective of distance. It would be reasonable and fair, much more reasonable and fair than the payment of expenses incurred.

Hon. Mr. SULLIVAN—I have no idea of contributing materially to this debate. I feel the same sense of gratitude, which all of us appear to feel, to the hon. gentleman who introduced the subject. It is only another evidence of the activity of that hon. gentleman's intellect. Age cannot wither nor custom stale the brightness of the hon. gentleman's intellect, nor the benefits he confers when dealing with any important subject. In view of the great labour he has had, I think it would be a good thing if we knew the views of the government on this subject, and whether there would be some fruit following the discussion.

Hon. Mr. SCOTT—Carried.

Hon. Sir MACKENZIE BOWELL—Before the motion is carried, I think the least the government can do is to say that the matter is of sufficient importance to warrant them in calling the attention of their colleagues to it. If we had the power to regulate these matters, we could easily place all members on the same footing. The matter is of grave importance, and one of those things that should be set at rest at a very early day. It has created already, and will create in the future, just such a feeling as that which has been indicated by the hon. member from Halifax, a wrong impression as to the position occupied by members of parliament, merely bringing this before the House without any information from the government of how they view it as well. I think it is not treating the House with that courtesy to which it is entitled.

I am not going to follow the hon. gentleman from Marshfield in the opinions he has expressed in reference to each member of the Senate being placed upon an equal footing. If a member living at a distance accepts the honourable position of senator he does not, I presume—at least I should hope not—accept it with any anticipation of the per diem allowance from the time he leaves home until he gets here. Under our system, the payment, if I may so term it, is considered as an indemnity for the time lost in the services that members render to the country. In other portions of the British empire it is different. In Australia, members are paid so much a month, like any other hired men, and if you put this House in that same position, we shall pay members from the time they leave their homes until they reach here ; but I take it for granted there is scarcely a member of this House that desires to place himself in that position. If those who live near the city of Ottawa can go home occasionally, it is not at the expense of the government. They pay their own expenses themselves, and if a member living within a day's journey of Ottawa goes away on Saturday, and comes back on Monday, he pays the expenses of his trip. The gentleman who is obliged to remain here and who cannot go home on account of the distance, pays his board bill and whatever expenses he is put to here. So that in that respect we stand in about the same position. The only difference is that the one lives a greater distance from the capital than the other. I do think the sooner this question of paying senators and

paying members of the House of Commons is put upon a basis that will prevent this constant irritation, and references which are made to the payment of members of parliament who are very anxious to get here, and spend a great deal of money to accomplish it. With the exception of Nova Scotia, I have not heard of any difficulty in finding people in any province who are not quite ready on all occasions to accept a seat in the Senate. We have had one illustration in Nova Scotia, where a gentleman refused to accept the appointment, and, judging from the fact that the government are not able to fill the vacancies that have occurred, it is presumed that the people there are too independent or do not consider the position of sufficient importance, or the honour sufficiently great to induce them to accept. Whether that be the fact or not, I do not know ; but if this matter is not speedily dealt with, and dealt with in an intelligent manner, so as to prevent, I do not hesitate to say, the scandal which exists and is published to the world almost every day in the press—if it is not dealt with by the government, some other members of parliament should take it up.

Hon. Mr. SCOTT—I have not seen the correspondence, and my attention has not been called to it, and I am quite unable to pass any opinion upon it. But in reference to the larger question, the government, although technically responsible, are really not responsible. This Bill was framed at the suggestion of 290 members of the two Houses of parliament, and the diverse views held in regard to it, made it altogether impossible for any gentleman to draft an intelligent measure.

Hon. Sir MACKENZIE BOWELL—Oh, Oh.

Hon. Mr. SCOTT—My hon. friend says 'Oh ! Oh !' There are two hon. gentlemen within a few feet of each other who differ on a material point. It is all very well for one gentleman to speak from his standpoint and judgment, but another gentlemen takes an entirely different view of it. The government endeavoured, during the last two sessions, to meet the views of the Senate and House of Commons in this matter. They seem to have failed in doing so, because the matter is constantly dragged before the public. I think that is the unfortunate part of it. It would be better, if there were any discrepancies, to take what is offered and say nothing about it. If any change should be made, I would suggest that a sworn statement should be filed of the travelling expenses of every member. That is the only way to settle this matter. When it was proposed to adopt that course, there was a very determined opposition to it. They said, no, it is not fair that a man should be called upon to make a note of what he paid the porter, 25 cents here or 50 cents there ; that it would be very unreasonable to expect him to keep a notebook of his expenses, and then they said 'make it a fixed sum—ten or fifteen dollars, or whatever is agreed upon.' That was determined. It is absurd to say that a man coming from Montreal to Ottawa should receive fifteen dollars for his travelling expenses. It would be shocking to think of it, or to say that a member should receive fifteen dollars for coming from Smith's Falls.

Hon. Sir MACKENZIE BOWELL—I never advocated anything of the kind.

Hon. Mr. SCOTT—That would be the effect of it.

Hon. Sir MACKENZIE BOWELL—Not at all.

Hon. Mr. SCOTT—The only way would be, if the House is not satisfied—and this is only one branch and probably I should not precipitate my own view—that a sworn statement should be rendered by every gentleman who expects his expenses to be paid.

Hon. Sir MACKENZIE BOWELL—My hon. friend must know that is the law now. If you make a statement of your expenses, you must swear to it before you are paid.

Hon. Mr. COX—While this matter of indemnity is the subject of general discussion, I should like to offer a suggestion to the government. I think it would be a good thing to do as financial institutions or boards of directors do, where a certain amount is allowed for the total indemnity or annual fees and let that be divided into so much per diem to those who do attend. Then each person would be paid just for the number of days he attended, and those

who were regular in their attendance, as are my hon. friends to my right and left, and my hon. friend opposite, would be paid the moneys which otherwise would go to members like myself who are not able to attend regularly. I think that would be quite equitable and fair to those who are able to devote from session to session a large proportion of their time to their duties here. Many of us are not able to do that, no matter whether we get five hundred dollars, or five dollars, or five cents. I am not able to do it. I could not be here at times, no matter how much I desired to be present, or how much I was getting for it. The suggestion I make would be fair and equitable, and would prevent all this trouble and criticism. I know that I have been criticised, and very properly criticised, for irregular attendance. It is not a question with me how much I get. The amount I receive has no influence upon me as to whether I come or go. I come whenever I can. If the demands upon my time continue to be such that I cannot attend more regularly in the future than I have in the past, I shall resign my position rather than come here irregularly and receive the allowance. I do not know anything about how the amount I receive is made up. The clerk sends me a statement which I subscribe to at the end of the session, and I get whatever he sends me a cheque for. I put in no claims for travelling expenses or anything else. The clerk makes up the bill and gives me a cheque for the amount. I have found it impossible to attend regularly, and that is the reason I am taking up the time of the House with these remarks. I attend as regularly as I can, and I feel it would be a great advantage to myself and other gentlemen who are similarly situated if my suggestion were adopted. I am sure that we do not want to receive money that should fairly go to those who attend regularly, while we are not able to do so.

Hon. Mr. ELLIS—The injustice of the suggestion of the hon. gentleman who has just spoken appears to me to be this : that there are a great many like the hon. gentleman from Marshfield who cannot go home during adjournments, while these other gentlemen can go home. We have to stay here. My hon. friend from Toronto and others in the same position, would divide the money of the other gentlemen who attended during the session but did not remain here all the time. That would be hardly fair. I am utterly indifferent as to what plan is adopted, except that I think there should be some fairness about it. Take a man from British Columbia. The House adjourns for some weeks and he goes home. He occupies many days in coming and going. You can hardly apply the same rule in such a case as is applied to the member who remains here. When my hon. friend was making his calculation it reminded me somewhat of a rhyme in the old books:

> When first the marriage knot was tied,
> Between my wife and me ;
> Her age did mine as far exceed
> As three times three does three. &c.

I am not going to argue it out, but the unfairness of it comes upon gentlemen who are compelled to go home at great expense in money and time and men who can go to their homes without loss of time or inconvenience. Then with regard to the suggestion of the hon. gentleman from Halifax : because one or two men can do something, that does not prove 85 members are doing it. What is conveyed to the country by the observations made by the hon. gentleman from Halifax, and, perhaps to some extent by the hon. gentleman from Belleville, is that a great wrong has been done by some persons simply because they can do it. I do not think that is exactly fair. I think that what the hon. Secretary of State says is about right, that it is a very difficult matter to settle to the satisfaction of every person. There has always been a complaint, and I very much fear there will always be complaints, and it will be impossible to get an absolutely just and equitable system.

Hon. Sir MACKENZIE BOWELL—There is no attempt on my part to show that any senator took advantage of it. He simply took what he was entitled to under the law without asking any questions.

Hon. Mr. COX—The objection raised by the gentleman to my suggestion can easily be remedied by saying that those in attendance at the capital for the purpose of attending, and those who remain here, are entitled to receive the indemnity. There are a great many members who come a long distance who cannot return to their homes

during an adjournment, and while they are at the capital for the purpose of attending the House, whether the House is in session or not, they should be paid for that time just as much as when they sit in the House.

The motion was agreed to.

## LAND GRANT TO RAILWAY TO THE HUDSON BAY.

### INQUIRY.

Hon. Mr. FERGUSON inquired :

How many acres of the land in Manitoba or Saskatchewan or Alberta authorized by statute to be applied in aid of a railway from a point on the Canadian Pacific Railway to the Hudson bay has been earned, and by what railway company, and if the lands still required for the completion of the railway to Hudson bay have been withheld from homesteading or any other disposition of the same ?

Hon. Mr. SCOTT—The answer to the first question is :

1. There has been so earned 1,382,528 acres of land.

2. By the Canadian Northern Railway Company as the legal successor of the Winnipeg and Hudson Bay Railway and Steamship Company to which was allotted by order in council of the 11th May, 1885, the land subsidy authorized by section 7 of chapter 25 of the statutes of 1884.

For convenience sake, I refer to the statute of 1884 in amendment to the Dominion Lands Act, in which this clause appears :—

The Governor in Council is hereby authorized, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson bay to make a free grant of not more than 6,400 acres for each mile of railway within Manitoba and not more than 12,800 for each mile with the Northwest Territories.

The answer to the third is as follows :—

3. The Canadian Northern Railway Company has now in process of construction a further portion of the railway on account of which the said land subsidy was so allotted, which portion is to extend from Etoimami to the pass on the Saskatchewan, an estimated distance of eighty-six miles ; and upon the completion thereof the said company will be entitled to a land subsidy of upwards of one million acres, to be selected from the odd-numbered sections in the tract reserved for the purpose of such selection by an order in council of the 5th March, 1895.

4. There is not now any reservation of land for a subsidy in aid of the construction of the railway from the Saskatchewan to the bay.

Answer number four must be qualified by the statute I read. Whoever drew up the papers was not aware of the Act of 1884, apparently, because the Act of 1884 has never been repealed. It was for a railway, not defining the railway, any railway that would be constructed from a certain point in Manitoba to Hudson bay.

Hon. Mr. FERGUSON—Do I understand the answer to be, that from the banks of Saskatchewan river to a point on Hudson bay, there is no reserve of land in terms of the Act of 1884 ?

Hon. Mr. SCOTT—No, I read the statute.

Hon. Mr. FERGUSON—I know the statute. Does it follow that there is no land reserved—that there is no land available for that purpose ?

Hon. Mr. SCOTT—I suppose there is land along the line. There is scarcely any land taken up there.

Hon. Mr. FERGUSON—Along the line of the railway as it will be built ?

Hon. Mr. SCOTT—It is not really surveyed there.

Hon. Mr. FERGUSON—This land was not required to be in the fertile belt.

Hon. Mr. SCOTT—No, it was not defined. There was a discussion in the House in respect to it, and some years ago an allotment was made of certain land in Saskatchewan, that out of any lands that were not taken up by a particular railway—I am not quite sure which railway it was—if there was an excess that that excess would be the grant for which the Hudson's Bay Railway then building up through the province of Manitoba and, I think, for about twenty miles outside of that province, might take for that section ; but beyond that there has been no further reservation, beyond the 1,382,528 acres. That is all that is so far reserved.

Hon. Mr. LOUGHEED—Can my hon. friend say whether or not there was a limited time fixed for the construction of the road ?

Hon. Mr. SCOTT—No, I read the clause. The clause seemed really to escape notice.

Perhaps my hon. friend knew of it, but I think very few people were aware of it. I unearthed it a few years ago. It escaped attention, because it was not in a place where you would expect to find it. In the year 1884, an Act was passed to amend the Dominion Lands Act. That was not the place to look for a subsidy to a railway.

Hon. Mr. FERGUSON—I had a great search to find it.

Hon. Mr. SCOTT—The Act deals with the internal administration of the Department of the Interior, and it is clause 7 of that Act. That is still the law.

Hon. Mr. FERGUSON—That is still the law.

Hon. Mr. SCOTT—That is still the law; as far as I know that has never been repealed. I looked for the Land Act in the new revise and I was not able to find it.

Hon. Mr. FERGUSON—It has not been repealed.

Hon. Mr. SCOTT—Not that I am aware of.

Hon. Mr. LOUGHEED—Is the Act not purely discretionary, that is giving discretion to the Governor in Council to make a land grant?

Hon. Mr. SCOTT—Oh, no, in making grants you never use the word 'shall.' Where you use the words 'The Governor in Council may' do so and so, it is the feeling of parliament that it ought to be done if the conditions attending it are faithfully carried out.

## BILL INTRODUCED.

Bill (40) An Act respecting the Indian River Railway Company.—(Hon. Mr. Roy.)

## WILLIAM A. DAMEN PATENTS BILL.

### THIRD READING.

Hon. Mr. LOUGHEED moved the third reading of Bill (8) An Act respecting certain patents of William A. Damen.

Hon. Mr. LANDRY—I move in amendment:

That the said Bill be not now read the third time, but that it be amended by inserting in clause 2, after the word 'Act,' in line 29, the following words: 'made substantial and bona fide preparations to manufacture or' and by inserting after the word 'may' in the 30th line the words 'manufacture and.'

This is a private Bill introduced for the extension of the duration of the letters patent which were issued in 1892. In that year there was legislation passed amending or consolidating the different Patent Acts. Prior to that legislation, the duration of the period of the patents was fifteen years. After that legislation the period was extended to eighteen years. The patents now may last eighteen years. The Bill now before us relates to two patents and asks for their extension so far as time is concerned. The first of these two patents was issued in 1892, prior to the consolidation of the Patents Act, and was for a period of fifteen years. In the consolidation of the Patents Acts it appears that a special clause was inserted, clause nine, if I remember well, which provided that the new consolidated law applied only to patents which would be issued after the Consolidation Act, and would not apply to the patents prior to that consolidation; so that the fifteen years' provision relates only to the patents prior to the consolidation. The parties in the case here had patents prior to the Consolidation Act. By this Bill they ask to have the fifteen years extended to eighteen, and in the second case they demand that the fault of their agent in not renewing the second patent in due time at the expiration of the first period be remedied by this new legislation, so that in fact they want their two patents to have that duration of eighteen years. The first patent will expire next month, and parties in Montreal knowing that fact, and knowing that there is a special clause in the Consolidated Statutes excluding such patents from being extended to eighteen years, have commenced works in Montreal, acquiring land and the necessary plant for the purpose of manufacturing these tires. They claim that inasmuch as this Bill asks for an extension of time, which is by law not allowed to the first patent, that they have a right to be protected in so far as they have commenced to make preparations to manufacture. In my amendment I ask that provision be made that any parties who had made substantial and bona fide preparations to manufacture, should be put in the same position as those who really have completed

preparations to commence work when the patent expires, because to all intents and purposes that patent should expire next month. They ask to be protected, because they have acquired the land and made preparations to begin the manufacture. They claim further that the second patent issued to the same company should not be extended, for the simple reason that the second patent is no good, the government having no authority to give two patents for the same invention. At the outset, this second patent was the property of another party and a lawsuit was commenced at the time beween the two patentees just on that ground, that a second patent could not be issued to another party for the same invention; but a combination of the two interests took place. The proprietor of the first patent became the owner of the second, so there was no object in continuing the two patents and the second was allowed to lapse. For two sessions they took no steps to renew that patent. Now they come and ask for a renewal. If the second patent is no good, under the ruling of the government, I do not see why we should by this legislation grant the extension asked for. The committee has decided that the first patent should be extended three years longer, and that the second patent should be renewed; but in justice to those who have been acting in good faith in preparing to manufacture this tire, my amendment should be accepted, as it provides that the acquired rights should be protected.

Hon. Mr. LOUGHEED—Inasmuch as this Bill stands in my name, and as my hon. friend from Stadacona has made a long explanation of the facts the House will have no difficulty in concluding, to say the least of it, that the facts are involved. Permit me to say in the first place, that the report of the committee on this Bill is apparently conclusive. There is no dissenting report. I might further say that when the matter came before the Private Bills Committee, there was a full presentation of both sides of the case. The opponents of the Bill were represented by able counsel as well as the promoters of the Bill. The government was represented by the Deputy Minister of Agriculture, who was present, and who apparently concurred in the action of the committee. I hesitate to occupy the time of the House in dealing with so many dates and facts, but I shall not delay the House more than is absolutely necessary to review some facts which have arisen in connection with this Bill. On the 9th July, 1892, the Patent Act was amended. Previous to that, a protection of fifteen years was given to each patent. We have two patents involved in this Bill. For convenience sake we will call them No. 1 and No. 2. If hon. gentlemen will keep that point in view, namely, the 9th of July, 1892, when the Patent Act was amended extending the time for patents from fifteen to eighteen years, it will prove convenient. On the 15th of February, 1892, patent No. 1 was obtained and, under the law, would have a protection of fifteen years. The amending Act of July, 1892, extending patents for eighteen years, did not protect patents granted before the passage of the Act. On the 11th October, 1892, patent No. 2 was issued. Now patent No. 1 had a protection of fifteen years, and patent No. 2 issued the same year had a protection of eighteen years. After the issue of patent No. 2, it was discovered by the Department of Agriculture that there was a conflict between the two patents. Patent No. 2 should not have been issued by the department. Consequently the patent having issued, the department remained passive, and the parties fought it out in the courts and three years were occupied in litigation in determining whether patent No. 2 was an infringement on patent No. 1. To terminate this litigation, the American Dunlop Tire Company purchased both patents, and thus the two patents became merged in a common title. Therefore what conflict existed up to that time was settled.

Hon. Mr. SCOTT—Were they for the same designs?

Hon. Mr. LOUGHEED—They were practically for the same designs. The American Dunlop Tire Company proceeded to manufacture the tire and continued to do so for about seven years. Then the Canadian Dunlop Company acquired the two patents, the tire being manufactured by the one company. I might say that the Patent Act provided that the fees should be payable every six years. Now keep this in view: No. 1 patent is still alive and does not expire until the 14th of February next, but as to patent No. 2, there was a pay-

ment of $20 due the department in October, 1904. The company instructed its agent in Ottawa to pay that fee. Through an oversight, the agent of the company did not pay it, and it was not until a year afterwards, namely October, 1905, that the Canada Dunlop Tire Company ascertained that the fee had not been paid on that patent, and they consequently took steps at once to ask parliament to revive the patent.

Hon. Mr. LANDRY—In 1906.

Hon. Mr. LOUGHEED—They discovered it in 1905 and in 1906 took steps to revive the patent. The position is this: No. 1 patent has until the 14th of February to run before it expires. Consequently, we are quite within our right in asking parliament to extend the time of that patent for three years. That, you will recollect, is the fifteen years patent. Parliament, since the passage of the Act of 1892, has extended every patent from that time downward. The policy of parliament has been well settled as to the extension of patents issued previous to 1892—that is an extension of three years to each patent, so as to place them all on an equality with patents issued subsequent to July 9, 1902. Therefore, so far as patent No. 1 is concerned, we are entitled under the well settled policy of parliament which has been consistently observed since 1892, to an extension of three years for that patent. That should make it quite clear, and remove beyond any doubt as to the rights of the petitioners to have this patent extended for three years. Now the question arises as to patent No. 2. Owing to the company not being aware of the non-payment of that fee, they ask that parliament should revive their patent. This has been done, I might say, in no less than four cases on previous occasions. I am told there has never been a case yet presented to parliament where there has been an application for a revival of a patent on the ground of non-payment of fees, in which parliament has not granted the relief sought by the petitioner. There is no good reason whatever why the relief in this particular case should not be granted. The question arises as to the intervening rights which may have accrued. My hon. friend says that the Canada Rubber Company, now represented by what one might term the Canada Rubber Trust, a merger of all the rubber companies of Canada, claim to have expended considerable money in making preparations to manufacture this particular invention. Permit me to say in answer to that, that the Canada Dunlop Tire Company on purchasing those two patents from the American Dunlop Company entered into a contract with the Canada Rubber Company some seven years ago to manufacture those tires, so that the Canada Rubber Company who now claim to have made certain expenditures in anticipation of the expiring of the patents, were the contractors for the Canada Dunlop Tire Company in the manufacture of the article. They were familiar with the patents; were familiar with any possible infirmity in the patents; were familiar with the dates of expiration, and it is not going beyond the fact to say that the Canada Rubber Company now seek to take advantage of the expiry of patent No. 2, they being the contractors for the Canada Dunlop Tire Company. As to the expenditure which they allege to have made, the committee, I think, have no doubt that no expenditure was specially made for the manufacture of this tire in anticipation of the expiration of the patent. When they first entered into this contract, they had all the machinery necessary for the manufacture of the article. Consequently, they own that equipment to-day, an equipment which they provided at their own expense when no question arose as to the life of the patent, and it will be that same equipment they would bring into operation to-day to continue practically the manufacture of the same tire they were manufacturing for the company.

Hon. Mr. SCOTT—Having made a profit for seven years out of it.

Hon. Mr. LOUGHEED—In 1905 the Canada Dunlop Tire Company considered it in their own interest to terminate that contract and manufacture their own tire, which they have been doing, employing a great many hands and having invested a great deal of capital in the manufacture of this particular tire. The only other item which the Canada Rubber Company pointed out to the committee as having expended in anticipation of making this tire was some $60,000 paid for real estate in Montreal, but upon being asked if that were specially

expended for the purpose of making this particular tire, they, of course, could not answer in the affirmative. The fact was that the Canada Rubber Company was probably the most active company in the merger which has taken place between all the rubber companies in Canada. They found it necessary to extend their business owing to an expanding trade. They bought real estate with a view to adding to their plant. Consequently there was no evidence whatever before the committee that there was any expenditure exclusively made for the manufacture of this special tire. Now, what would be the effect of a refusal to grant this Bill? One effect would be that the American Rubber Trust would be able to manufacture under their patent in the United States. I did not mention this fact, but the American Rubber Trust purchased the American rights from the Canadian patentees for the manufacture of the same tire in the United States. They, therefore, would have a right to manufacture that tire in the United States and ship it to Canada, while the Canada Dunlop Tire Company, the present owners of the patent, could not possibly be permitted to manufacture that tire in Canada and export it to the United States. What would be the effect of my hon. friend's amendment? It would be simply to nullify the Bill. My hon. friend might as well ask for a six months' hoist of the Bill. He surely could not have considered its effect on the Bill. The proposed amendment would in express language give to the Canada Rubber Trust a positive right before the expiration of patent No. 1 to manufacture a device or invention which is protected by law until the 14th of February next at least. Certainly parliament would not do that. My hon. friend might have limited his amendment to patent No. 2, but his amendment would cover both patents, one of which has not yet expired.

Hon. Mr. LANDRY—It will expire in a few days.

Hon. Mr. LOUGHEED—The Canada Rubber Company certainly would not be justified in anticipating the expiry of this patent, because it has been the well understood policy of parliament to extend all those patents to eighteen years; therefore following the well-established precedent they could not anticipate the expiry of patent No. 1 until three years from the 14th of February next. As to patent No. 2, that is also a matter in the discretion of parliament, and parliament had always without exception exercised its discretion in favour of the petitioners by granting a revival of every patent, whenever applied for, which has lapsed on account of the non-payment of fees. Under these circumstances, I have no hesitation in asking the House to consent to the third reading of the Bill.

Hon. Mr. KERR—Notice of this application was given in the month of October immediately on discovery that the patent had expired. Notice having been given at that time, it was not until the latter part of October or the month of November that the property was acquired or the expenditure made by the Canada Rubber Company which it is stated was intended for the purpose of carrying on this business. So that after the notice had been given, with full knowledge of the notice published by the present applicants that they would apply for this legislation, they themselves in possession of the patterns of the applicant, under which they have been manufacturing for them for years, the Canada Rubber Company chose then to make an expenditure. It was frankly admitted by the counsel present at the investigation that he could not say what the property was going to be used for, irrespective of this work altogether. So that it was taking advantage of the purchase which was made in the general interest of the company and setting it up as having been acquired for the purpose of carrying on this work.

Hon. Mr. LANDRY—I am astonished that a lawyer so able as my hon. friend should report what passed in the committee. The hon. gentleman is quite out of order in doing so.

Hon. Mr. KERR—My hon. friend should have taken exception at the time, and I could have stated it in another way.

Hon. Mr. LANDRY—The hon. gentleman has no right to state indirectly what he should not state directly. My hon. friend, the mover of the Bill, misunderstood the position taken by the Deputy Minister of Agriculture in this case. He did not say that he favoured this Bill. He said the policy of the government was to stay out of any

discussion of the kind. They neither favour nor oppose a Bill of this kind, leaving it altogether to parliament to decide. Now as to precedents, it is very easy to say that the policy of the government has always been to extend these patents; but I think such an extension has been granted only in certain urgent cases and for very strong reasons, and in the present case, no sufficient reason has been given why this patent should be extended three years longer. I do not know why the parties should have thought that parliament would extend the time, in view of the provision in the law which says in positive terms that this law shall not apply to patents issued under the fifteen years' Act, excluding, by that provision, from the effect of the new legislation all patents issued prior to July, 1892. I think the Canada Rubber Company has a claim for protection. They do not ask that the Bill be rejected but they ask that it be amended to protect their rights.

Hon. Mr. BEIQUE—Was this amendment offered in committee?

Hon. Mr. LANDRY—Does the hon. gentleman wish to lay a trap? If he was in the committee he should know.

Hon. Mr. BEIQUE—I am asking it for the information of the hon. members of the House who are not members of that particular committee.

Hon. Mr. LANDRY—The hon. gentleman might give that information himself and not ask me to violate the rules in the same way for which I had to reproach my hon. friend from Toronto. Besides the purchasing of the land at a cost which my hon. friend says amounted to $60,000, the Canada Rubber Company had other expenses. I have here a memo. signed by two directors of the Canada Rubber Company of Montreal showing an expenditure of $8,300 for materials used, machinery, pulleys and other fittings purchased for the temporary premises in the present factory for the purposes of this work. With these few explanations, I hope that the House will understand that I am not asking that the Bill be rejected, but only that it be amended to do justice.

Hon. Mr. BEIQUE—I desire to add but very few words to what has been said in regard to this Bill and the amendment moved by the hon. gentleman. There are two patents involved in this Bill, as stated by the hon. gentleman from Calgary. One patent had a life of fifteen years; that has been referred to as patent No. 1. The fifteen years will expire next month, so that this patent is in force now. The Bill as regards that patent asks that the term be extended from fifteen to eighteen years. As regards the other patent which was issued subsequently to the Act of 1892, but in the same year, it was given a life of eighteen years, and that patent has expired because the owner neglected to pay a renewal fee of $20. It is claimed that it was by mistake the fee was not paid, and that it was some time after that the mistake was discovered. They had instructed their attorney in Ottawa to make the payment and it was not made. The year after, to wit, in 1905, the omission was found out, and in 1906 they gave the notice in the month of October that they would present the present Bill.

But let us deal with patent No. 2. As regards that patent, the Bill, as far as I can see, is of no importance whatever, because it was held by the Exchequer Court of Canada that this second patent was not legally issued; that it covers the same things as was covered by the first patent, and therefore it would not serve the company any real purpose to be permitted to pay this fee of twenty dollars, especially if they get the relief which they seek to obtain in regard to the first patent, and it is quite indifferent as far as this parliament is concerned, if parliament is inclined to grant the relief as to patent No. 1. The only effect is that the government will receive twenty dollars more than they would otherwise get. So that the question really arises as to patent No. 1. To my mind it is a simple matter, as to whether it is proper under the circumstances which were placed before parliament and the committee to extend the patent which was issued with a life of fifteen years to a life of eighteen years. For my part I think it is advisable to do so, and for these reasons, first because this parliament—I do not say the government, but the parliament—in 1892 changed the policy and decided that in the future patentees would be protected, not merely for fifteen years, but for a period of eighteen years, and of

course the law was passed only for the future, as is generally the case. It was not to have any retroactive effect, but the principle was adopted that patentees would be protected for a term of eighteen years instead of fifteen years, as had been the policy in the past, and it was left open to any patentee who held rights under the fifteen year term to apply to parliament and ask that his patent be given the benefit of the new principle which was adopted. Since 1892 a number of cases have been presented before parliament and almost invariably—I would not be warranted in saying in every case—the application was entertained. Therefore the application is presented under favourable circumstances. If we go into the merits of the case, we find that although the patentee was to have fifteen years benefit of his intention, through a mistake in the department in issuing the patent No. 2, his right was interfered with to this extent, that litigation ensued, and that for more than three years he was unable to use his invention and to derive any benefit from it. Ultimately the court decided, I think as far back as 1899, that patent No. 2 was of no value, covered the same ground as patent No. 1, and, therefore, the patentee under patent No. 1 was able to derive benefit from his invention. It seems to me that he has a very strong case to ask now that he be compensated for the three years that he has lost through an error in the department in issuing this second patent, and for my part I am disposed to accept that as being a good reason. Then comes the question of the expenses which are claimed to have been made by the Canada Rubber Company. On the faith of what ? Not on the faith of the expiry of the patent, but in contemplation of the expiry of the patent, because it has not expired and will not expire for fifteen days more. Therefore the company was aware, when they incurred those expenses, of the course which had been adopted by this parliament, and they took the risk that an application might be made, and in fact they have had notice from October last that an application would be made for the extension of the term from fifteen to eighteen years. It was a fair risk for them to take, very likely, but if they had made a strong case as far as these expenses were concerned, and if the patentee or the applicant for this Bill had not made a strong case as far as being entitled to relief, it is not the amendment which is now offered by the hon. gentleman from Stadacona which should be adopted by this House to my mind ; it would not be an amendment affecting the whole principle of the Bill, but an amendment which would grant relief to the extent of the damage or the expense which had been incurred exclusively for that purpose. But the amendment proposed by the hon. gentleman goes far beyond that, and, as far as I am concerned, having given special attention to the case, I must say that I was not impressed that any serious expense had been incurred exclusively for the purpose by the Canada Rubber Company, and that it would be but fair to extend that first patent for a term of three years more.

The amendment was declared lost.

The Bill was then read a third time and passed.

## PETROLEUM BOUNTY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (G) An Act to amend the Petroleum Bounty Act, 1904.

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—I might mention to my hon. friends opposite that the intention of this Bill is to enable the government to allot to the farmers and lessors of certain oil wells, the bounty of that proportion of oil which they have reserved by way of rent. That was the intention originally, and it has been carried out in a great majority of cases by the companies without any dispute; but in certain cases, I am advised that some companies dispute the meaning of the Act and have declined to allow the bounty to go to the lessor where he has reserved a proportion of oil. This will have nothing to do with such cases as those in which a fixed money rent has been reserved. It is intended to affect the cases of parties who reserve one-sixth or one-eighth, or whatever the proportion might be, of the oil as their rental. The equity of the case appeared to me and to the government to be quite clear, but it was desirable that there should be a confirmation of our view by Act of

parliament. We do not propose to make it retroactive or to interfere with what has been done under the construction placed upon the Act by some parties. That they must settle for themselves.

Hon. Mr. LOUGHEED—I am at a loss to understand what general principle is being applied to the payment of this bounty. The bounty invariably is paid to the producers. Now, the producers, according to the statement made by my right hon. friend, will not be recognized as being entitled to the bounty, but in all probability the farmer, owner of the land, and this difficulty may further occur: let us assume for a moment a lessee desiring to lease certain lands with the intention of boring for oil. He enters into a lease for the absolute fruits of the lease. It seems to me that no question could arise from this point, that he would stipulate with the farmer or the owner of the land that any bounty should be paid to him, or in the event of its not being paid to him, that it should be credited on the rent. It seems to me to be involved in such a way as not to insure that the farmer or the owner of the land will obtain the bounty.

Hon. Sir RICHARD CARTWRIGHT—I will point out to my hon. friend the actual state of the case. He is aware that this bounty is practically given in substitution for the tax which had heretofore been levied on the oil.

Hon. Mr. LOUGHEED—What tax?

Hon. Sir RICHARD CARTWRIGHT—The tax that was formerly levied on oil coming into this country. He will observe that a man who had leased his land, reserving a certain portion of oil under the old system, when the tax was being levied he received a very considerable additional value. When the tax was removed he lost that. It is intended that the bounty should compensate the refiner and the producer alike, and where the lessor had, as I say, reserved his rent in the shape of oil, he would lose that unless he received his proportion of the bounty. The practice in those regions is for one company to lease a very large number of small wells from the farmers on whose property they are situated, and, as a rule, they reserve their rent in the shape of so much oil, usually one-eighth part. The majority of the companies have, without hesitation, accepted the provision which I now propose to make law in the regulations; that is to say, having accounted to the lessor not merely for the amount of oil produced, but for the bounty on it; I want to make the practice uniform. One or two cases only, I think, have occurred in which companies have declined to do that, but there is no doubt that the intention of the legislature was that the lessor should not be put in any worse position by the removal of the tax and the substitution of the bounty than he was before.

Hon. Mr. LOUGHEED—Take for instance the case of subsequent lessees—of lessees after the passing of this Act—entering into a lease, would they not——

Hon. Sir RICHARD CARTWRIGHT—It is not retroactive, but any one who chooses, so to speak, to contract himself out of the benefit of this Act is at perfect liberty to do so. I do not propose to interfere with that

Hon. Mr. LOUGHEED—That would be the result of it. The lessee would at once suggest to the lessor to contract himself out of the bounty.

Hon. Sir RICHARD CARTWRIGHT—I am not dealing with that. I am dealing with the case where the lessors contract for a certain fixed percentage of the oil. Those are the cases we are desiring to reach.

Hon. Mr. LOUGHEED—Would the result not be to give an advantage to the producer, not to the farmer, because the producer would certainly covet the bounty?

Hon. Sir RICHARD CARTWRIGHT—To whom does the hon. gentleman refer as a producer?

Hon. Mr. LOUGHEED—The man who leases the land.

Hon. Sir RICHARD CARTWRIGHT—Well, he would not have that advantage, unless the farmer with his eyes open chose to give it to him.

Hon. Mr. LOUGHEED—It puts the producer in a better position than he formerly was.

Hon. Sir RICHARD CARTWRIGHT—No, the lessor. The position was this:

there are a comparatively small number of new wells being discovered, although some are being discovered from time to time. In all those cases where they had reserved a money rent the question does not arise, because those people would not be in any shape or way affected by the alteration of the law; but in the case of those persons who had given leases—the leases are usually for a pretty long period, very often perpetual, or at any rate until the well is exhausted—where a man had got a lease, before we abolished the tax, reserving a certain percentage of oil, the well in itself fell in value by the abolition of the tax, and to compensate the lessors and producers for the reduced value, the bounty was granted. It was the intention of the legislature at the time that it should be evenly divided between the parties, the lessor receiving, the bounty on the percentage of oil which he reserved and the lessee receiving it on the remainder. As a matter of fact, as I mentioned, the greater majority of the lessees accepted that construction without any comment or quibbling on their part. It seemed to them equitable, and they gave the farmers or lessors the benefit of it; but a very considerable doubt arose on the construction of the Act, although there was no doubt at all as to the intention of the government on the matter. I propose to remedy that by taking power to make the regulations to meet that particular case. The matter was, of course, suggested to the Department of Justice, and they submitted this particular form which I accept as the best way of dealing with it.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman speaks of the tax, he does not mean the Inland Revenue tax?

Hon. Sir RICHARD CARTWRIGHT—I mean the Customs tax.

Hon. Sir MACKENZIE BOWELL—I frankly confess I could not follow the hon. gentleman very well, not being able to hear him. If a person who intends working a well or sinking a well makes a bargain with the owner of the land to give as a rent one per cent, one gallon out of a hundred, has the practice in the past been to grant to the person who leases the land the bounty upon the hundred gallons? The proposition now is, if I understand it, to pay the bounty on the one gallon to the farmer instead of to the person who leases it.

Hon. Sir RICHARD CARTWRIGHT—That is the point, but as I mentioned to my hon. friend, it is quite open to the lessee to make any bargain he pleases, and to reserve to himself the bounty if he chooses.

Hon. Sir MACKENZIE BOWELL—But where no bargain has been made, and he leases from the farmer on a rental of one gallon, we will say to every ten, then a person who works a well or leases a property, would receive a bounty upon the nine gallons and the other party on the one gallon.

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Sir MACKENZIE BOWELL—It is not an increased bounty but only a redistribution of it.

Hon. Sir RICHARD CARTWRIGHT—A distribution of it, that is all. I do not propose—my hon. friend knows that I could not propose—to increase the bounty. That would be utterly outside of my power.

Hon. Mr. LOUGHEED—The order in council when drafted would differentiate between the different classes of lessors ?

Hon. Sir RICHARD CARTWRIGHT—Yes. What we propose to do is simply to validate the custom which has prevailed with the great majority of producers. I am informed by my officers that almost all of the lessees have conceded the principle of paying the bounty to the lessor, but that a very small fraction of them dispute it on the ground of the wording of the Act, and I propose to take power to amend the Act and remove the doubt.

Hon. Sir MACKENZIE BOWELL—I only desire to ask the Secretary of State how it is possible that he can reconcile the declaration he made a few moments ago with respect to the indemnity matter, with the preparation of this Bill, because if there is a diversity of opinion, then, according to the hon. gentleman's theory, it is impossible to place an Act upon the statute-book. There are differences of opinion in regard to this question, and why should the principle

not apply to this matter as well as to the question of the indemnity ?

Hon. Mr. SCOTT—I do not think the argument would apply at all. There is very little diversity of opinion here. A law was passed which gave the owner of the soil, or intended to give to him a proportion of a bounty which parliament voted for the production of oil. The ordinary practice, as I am informed, is that the farmer gets one-eighth, and on that one-eighth he claims he is entitled to one-eighth of the bounty and he receives that under this Bill.

Hon. Sir MACKENZIE BOWELL—I am not disputing that.

Hon. Mr. LOUGHEED—The hon. gentleman from Belleville wants the hon. Secretary of State to reconcile his Bill with his statement regarding the Indemnity Act.

Hon. Mr. WILSON—The object has been fully explained. Prior to the bounty going into effect, the farmer made a lease with the producer, the farmer getting say one barrel for every eight barrels the other man received. The farmers only desire fair usage at the hands of the producer, and they are entitled to that. The producer now gets all of the bounty in some cases. Some companies, however, will grant a division of the bounty to the farmer. What we want to do—and the object of the amendment which the hon. minister has very ably prepared—is to provide that the farmers shall stand on an equality with the producers. That is only fair. If the government passed an Act granting the bounty only to the producer and thereby did an injury to the farmer, it is only right and proper that the government should come to the rescue of the honest farmer and let him have his share.

Hon. Sir MACKENZIE BOWELL—It is carrying out a principle that has been very severely condemned by my hon. friend opposite. You take off the tax which is paid by the consumer under the Customs Act, and you take the money out of the pockets of those who do not consume it, in the way of a bounty, to compensate the producer. That is all. No one has been opposing it, and there was no necessity for the hon. gentleman's defence of the measure. What I desired was really to understand it, and I congratulate those representing the government here, on their conversion to a principle which they condemned in the strongest language they could use while in opposition, that is to the principle of bounties instead of a direct tax.

Hon. Mr. WILSON—Would the hon. gentleman condemn the payment of bounties?

Hon. Sir MACKENZIE BOWELL—I said that the government are now acting on a principle which they condemned when we affirmed it.

Hon. Mr. WILSON—I want to know what the hon. gentleman himself thinks?

Hon. Sir MACKENZIE BOWELL—That is a principle which was laid down by the Conservative government and which the hon. gentlemen opposite at that time condemned in the strongest possible language. I am only complimenting them on their conversion to principles advocated by the Conservative party and which they condemned at that time.

Hon. Mr. ROY, from the committee, reported the Bill without amendment.

## JORDAN-ERIE POWER COMPANY'S BILL.

### SECOND READING.

Hon. Mr. POWER (in the absence of Hon. Mr. Gibson) moved :

Second reading Bill (N) An Act to amalgamate the Jordan Light, Heat and Power Company and the Erie and Ontario Development Company, Limited, into one corporation under the name of 'The Jordan-Erie Power Company.'

He said : One of those companies is incorporated by a statute of Canada, the other by letters patent issued by the Secretary of State's Department, and the two companies propose to unite into one. There is no addition to the powers of the company; and the details of the Bill can be considered by the Committee on Railways.

The motion was agreed to, and the Bill was read the second time.

## BILL INTRODUCED.

Bill (O) An Act to incorporate the United Baptists Women Missionary Union of the Maritime Provinces.—(Hon. Mr. Baird.)

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to ask my hon. friend whether he has any information as to communication between Prince Edward Island and the mainland by telegraph, or if a report has been received by the government on the subject.

Hon. Mr. SCOTT—Under the agreement made with the Marconi Wireless Company, in erecting new stations, the company have a month in which to consider whether they will build the station or not, so the government have no alternative. I may say, however, the company have made a contract now with the government to erect a station within the shortest possible time. Material has been brought from Glace Bay, C.B., and I am credibly informed that by the end of next week it will be in operation. Under the terms of the agreement there will be no charge whatever between Bear Point and Pictou, and even the messages will be telephoned from Bear Point to the station at Murray harbour. The government had at first under the contract with the Anglo-American Company communicated with them, but it involved a correspondence, and I suggested to the minister that he should drop them altogether and wholly irrespective of the contract with the Anglo-American, make this contract with the Marconi Company.

Hon. Mr. FERGUSON—It will be ready by next week?

Hon. Mr. SCOTT—I think by Saturday of next week.

The Senate adjourned until to-morrow at Three o'clock.

# THE SENATE.

OTTAWA, Friday, February 1, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## McPHERSON DIVORCE CASE.

### MOTION.

Hon. Mr. PERLEY moved :

That Rules 24a, 112 and 138, be suspended, and that Arthur Leon McPherson be permitted to present a petition, praying for a Bill of divorce from his wife, Annie Booth, notwithstanding the time for presenting petitions for divorce Bills has expired.

The motion was agreed to on a division.

## WESTERN DIVISION OF NATIONAL TRANSCONTINENTAL RAILWAY AND GRAND TRUNK PACIFIC.

### INQUIRY POSTPONED.

The notice of motion being called :

By Hon. Mr. FERGUSON :

1. What portions, stated in sections and miles, of the eastern division of the National Transcontinental Railway have been placed under contract by the government up to the present time.
2. What is the nature of the work embraced in the contract or contracts referred to ; are they for grading only, or does any of them include tracklaying or ballasting, or all three operations.
3. What will be the cost per mile of grading, tracklaying and ballasting, stated separately or all three operations combined, on each section of the said eastern division embraced in the aforementioned contracts.
4. What is the maximum grade of the sections of the said railway embraced in the contract referred to ?

And will at the same time ask similar questions regarding contracts let by the Grand Trunk Pacific Railway Company on the western division of the said National Transcontinental Railway.

Hon. Mr. FERGUSON—Is my hon. friend ready to answer these questions that relate to the Western Division?

Hon. Mr SCOTT—The answer I got from the Department of Railways is what I expected, that they have no information on the subject of the Grand Trunk Pacific. They can only obtain it by communicating with the Grand Trunk Pacific Company.

Hon. Mr. FERGUSON—The government have to guarantee the bonds of the Grand Trunk Pacific for a large amount, and surely parliament has a right to know the details of the contracts let by the company.

Hon. Mr. SCOTT—The department told me that they could obtain the information but it would take some days to get it. Perhaps the hon. gentleman will let the inquiry stand until next week.

Hon. Mr. FERGUSON—I have no objection to letting it stand.

The order was postponed until Thursday next.

## THIRD READING.

Bill (G) An Act to amend the Petroleum Bounty Act, 1904.—(Hon. Sir Richard Cartwright.)

## MALONE AND HOPKINS POINT RAILWAY COMPANY BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (12) An Act to incorporate the Malone and Hopkins Point Railway Company.

Hon. Mr. CLORAN—I see that the Bill is not printed in French and I therefore move that the order be discharged and that it be fixed for Wednesday next.

Hon. Mr. YOUNG—I would call the hon. gentleman's attention to the fact that the Bill has not been reported. In many cases parties interested in these Bills have not furnished the Standing Orders Committee with the necessary copies of notices, maps &c., and so long as these documents are not furnished we cannot report favourably on the petitions, so it would be well for parties interested in those Bills to lose no time in complying with the rules of the House.

The motion was agreed to.

## NORTHERN CANADA INQUIRY COMMITTEE.

FIRST REPORT ADOPTED.

Hon. Mr. WATSON (in the absence of Hon. Mr. Davis) moved concurrence in :

The first report to inquire and report from time to time as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky mountains and west of the Hudson's bay ; comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie territory, its extent of navigable waters, rivers, lakes and sea coast.

The motion was agreed to.

The Senate adjourned until Wednesday next at Three p.m.

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# THE SENATE.

OTTAWA, Wednesday, February 6, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

Hon. Mr. FERGUSON.

## INSPECTION OF ELECTRICITY BILL.

FIRST READING.

Bill (P) An Act respecting the Inspection of Electricity.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read a second time on Friday next. He said: The Bill is drafted on the same principle as the Gas Inspection Act, providing for an inspection wherever electricity is used, and seeing that the meters are in proper condition.

Hon. Sir MACKENZIE BOWELL—Is that the same Bill that was introduced in the lower House ?

Hon. Mr. SCOTT—I am not aware that it was introduced in the House of Commons. It was given to me by the Minister of Inland Revenue. It may have been introduced there ; if so, of course I shall drop it.

The motion was agreed to.

## QUEBEC CUSTOM HOUSE APPOINTMENTS.

MOTION.

Hon. Mr. LANDRY moved :

That an order of this House do issue for the production of a statement indicating in so many distinct columns :—

1. The names, christian names, age and nationality, of all persons who have been appointed to any position in the customs house at Quebec since the 1st of July, 1896 ?

2. The names of the persons who were replaced by those new appointments, specifying at the same time whether the persons so replaced were replaced by reason of their death, their retirement, or their dismissal, and by whom they have been replaced.

3. The names of the persons who recommended each of these new appointments.

Hon. Mr. SCOTT—There is no objection to the order going, as far as the first and second paragraphs are concerned, but the minister will, no doubt, object to bringing down the names of persons who recommended the new appointments.

Hon. Mr. LANDRY—We do not know that.

Hon. Mr. SCOTT—Well, I think he will.

Hon. Mr. LANDRY—We know who it is.

Hon. Mr. SCOTT—Whatever can be brought down will be brought down, according to the usual practice.

The motion was agreed to.

## NAVIGABILITY OF HUDSON BAY.

### MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excelleney may be pleased to lay on the table of this House, copies of all reports and communications in possession of the government not already submitted to parliament, regarding the navigation of the Hudson bay and the resources and climate of the territory contiguous thereto, also copies of all grants of fishing, mining and lumbering rights, given at any time, by the government, in the said bay and territory; also copies of all reports of surveys received by the government from either engineers, surveyors or geologists, on the feasibility of railway routes, connecting any existing or prospective railway with any port on Hudson bay or James bay ; also a statement of grants of land or money which have been proposed or asked for, in aid of such railways. Also, copies of all reports received by the government in relation to the establishment of lights or other aids to navigation of Hudson bay and Hudson straits, and also a statement showing what action, if any, has been taken by the government regarding the establishment of such aids to navigation.

He said : The subject which I propose to bring before the House is a motion for an address calling for the production of papers that have not already been brought down bearing on the navigation of Hudson bay, the resources of that region, and the opening of communication by rail from the older parts of Canada to Hudson bay.

This matter was before parliament very frequently many years ago; between 1878 and 1894 it was very fully and ably discussed in this House. In the earlier session the discussion was led by a gentleman with whom I had not the pleasure of being acquainted, the late Senator Ryan of Montreal. In the succeeding year 1880 it was brought bofore this House by our late lamented colleague, Senator Boulton, Manitoba, and in 1894 by another lamented colleague of ours, the Hon. Dr. Ferguson of Niagara, and, as I have said, on all these occasions the subject was very fully and ably discussed. During these discussions, it was quite apparent at the time, and perusal of the Senate Debates is quite sufficient to confirm that opinion, that a good deal of discredit was thrown upon the Hudson bay route, in the interest of the St. Lawrence navigation and of other interests in Canada. It was perhaps not unwise that a good deal of deliberation should have been had over this important question, more particularly as, up to that time, and indeed for years afterwards, Canada was grappling with very great transportation problems which were not altogether beyond the problematic stage, and it was but right and reasonable that those problems should be solved and carried through to successful completion before the country would pledge itself to new enterprises such as the Hudson bay route. The time now however has, apparently, come when this question must be earnestly grappled with. Considerable progress has already been made, without any great attention being called to it, towards extending existing railways to the Hudson bay, and the importance of our northern country has become more and more in evidence every year as they roll by. The wonderful position which the Hudson bay, or as it has been more aptly called, the Great Canadian Sea, occupies on the map of America cannot fail to impress every person who gives the slightest attention to the topography of our country. There we have a great lake fully one-half the size of the Mediterranean, situated in the centre of this continent, with a harbour, an ocean harbour let me say, situated 250 miles further west in the continent than St. Louis and St. Paul, and this harbour after having its position in the west stated, has the additional advantage of being as near to Liverpool as the port of Montreal. In addition to that, this great inland Canadian sea has over 2,000 miles of sea coast in what may be described as a reasonably temperate climate. I exclude from that classification a great deal of the north of the bay itself on both sides, and all the waters that flow into it from the north. Its position is such that the lands immediately south of Hudson Bay are in the same latitude as Devonshire, England, and this port of Churchill, on the west side of Hudson bay, is in the latitude of the Bay of Nairn in the north of Scotland. Then we come to deal with the question of temperatures—I am only passing over these very briefly because most hon. gentlemen know as much about this as it is possible for me to know—we have a good deal of authority on that sub-

ject. I have in my hand some statements by Mr. Henry O'Sullivan, a surveyor in the employ of the Quebec government, who says after coming down from the Eastmain on a very arduous trip of exploration :

The ordinary half-breeds are more easily coaxed to eat than to swim any day. No matter how often you propose lunch, they are always ready, but it is not so often you get them to strip and wash themselves. This day, however, I succeeded in getting them all to take a plunge and we enjoyed it immensely.

The water was in excellent condition, reminding one of Old Orchard Beach or Chester bay. I have never found the water as warm in any part of the Gulf of St. Lawrence or in Baie des Chaleurs as we found it on the Eastmain coast in the end of August and beginning of September, and I have no doubt that if easy communication could be had by rail, the most northern limit of our province would prove an attractive scene for tourists and health-seekers. While waiting for the sun to come round to the noon marks, we saw a number of whale sporting themselves and blowing off their vapour, while closer to shore countless porpoises or white whales, as the Hudson Bay Company folk call them, were playing around.

I have other evidence. I have the evidence of Dr. Robt. Bell, and I am just mentioning this at the start in order to settle in our minds some questions with regard to temperature, because there has been a popular belief that the whole of the Hudson bay region was almost Arctic in its character, and that the weather even in the summer season was cold. Against that we have the evidence of Mr. Henry O'Sullivan which I have just quoted. Mr. Bell says :

I took the temperature of the sea upwards of twenty times during our voyage, which extended over the greater part of July, August and September and found it to average 53 degrees Fahrenheit. I also noted the temperature of the rivers which we visited, and found that of the average of five of them to be 61 degrees Fahrenheit. We bathed in the salt water almost daily and found the temperature agreeable.

Temperature of Sea, Rivers and Air along the Eastmain Coast in 1877.

| No. | — | Date. | Hour. | River. | Sea. | Air. |
|---|---|---|---|---|---|---|
| 1 | Ruperts River at Rupert's House | July 11.. | 10 a.m. | 61 deg. | .... | 48 |
| 2 | Eastman's River two miles up | " 15.. | 9.30 " | 59 " | ..... | 66 |
| 3 | Middle of Great Bay south of Cape Hope | " 15.. | 2 p.m. | ..... | 59 | 72 |
| 4 | 25 miles north of Cape Hope | " 16.. | 12.30 " | ..... | 47 | 65 |
| 5 | Eight miles south of Big River | " 17.. | 5 " | ..... | 47 | 65 |
| 6 | Mouth of Big River | " 17.. | 7 " | 63 " | ..... | 63 |
| 7 | Twenty miles north of Big River | " 18.. | 4 " | ..... | 57 | 62 |
| 8 | Wind-bound Point, 35 miles north of Big River | " 19.. | 2 " | ..... | 53 | 70 |
| 9 | Ten miles east-north-east of Cape Jones | " 24.. | 4 " | ..... | 45 | 58 |
| 10 | Thirty-six miles north-eastward of Cape Jones | " 25 . | 7 " | ..... | 52 | 73 |
| 11 | 53 miles north-eastward of Cape Jones | " 26.. | 12.30 " | ..... | 48 | 82 |
| 12 | Black Whale Harbour | " 26.. | 9 " | ..... | 53 | |
| 13 | Great Whale River opposite Hudson Bay Co.'s Post | " 28.. | 1 " | 68 " | ..... | 82 |
| 14 | " " " " after two cold windy days | " 30.. | 9 " | 59 " | ..... | 48 |
| 15 | Open sea, 40 miles north of Great Whale River | Aug. 1.. | 6 " | ..... | 53 | 70 |
| 16 | "Second" River at 51 miles north of Great Whale River | " 2.. | 9 a.m. | 63 " | ..... | |
| 17 | Off " " " " | " 2.. | 9.15 " | ..... | 52 | |
| 18 | South side Richmond Gulf | " 9.. | 11.30 " | ..... | 55 | 66 |
| 19 | South point Cairn Mountain Island, Richmond Gulf | " 9.. | 3 p.m. | ..... | 62 | 72 |
| 20 | Opposite last or Northern Nastapoka Island | " 16.. | 3 " | ..... | 50 | 55 |
| 21 | Land locked Harbour | " 17.. | 11.30 a.m. | ..... | 61 | 68 |
| 22 | South-east of Last Nastapoka Island | " 25.. | 12.30 p.m. | ..... | 53 | 65 |
| 23 | Middle of Nastapoka Sd. between North River and Salmon Fishery Cove | " 26.. | 2 " | ..... | 53 | 70 |
| 24 | Midway between inlet of Richmond Gulf and Belanger's Is. | " 27.. | 6 " | ..... | 57 | 65 |
| 25 | Open sea between Great Whale River and Manitounuck Sd. | Sept. 1.. | 11 a.m. | ..... | 52 | 53 |
| 26 | Great Whale River opposite Hudson Bay Co.'s Post | " 2.. | 2 p.m. | 54 " | ..... | 59 |
| 27 | Off Esquimaux Harbour | " 3.. | 1.30 " | ..... | 53 | 56 |
| 28 | Dead Dog Cove after three days' blow | " 6.. | 3 " | ..... | 51 | 58 |
| 29 | Mouth of Big River, Fort George | " 18.. | 7 a.m. | 59 " | ..... | 51 |
| 30 | Kimishoo's Bay, 40 miles south of Fort George | " 19.. | 7 " | ..... | 50 | 49 |
| 31 | Off South Point of Rupert's Bay | " 21.. | 7 " | ..... | 55 | 50 |
| | Average of five rivers | ..... | ..... | 61 degs. | 53 deg | 62½ |

He winds up by saying:

The average temperature of the air between the 11th of July and the 21st of September, from the above observations, would appear to be 62½ degrees, which is very nearly the mean temperature of the rivers, with the average for July and August would be 65½ degrees. As most of these observations were taken in the morning or the evening, and as the nights were generally warm owing to the prevalence of southerly winds, this is perhaps not far from the true mean temperature for these two months, and it is only ¾ degrees above the average of the mean temperature, for these months, of ten principal stations from Halifax, Nova Scotia, to Fort Simpson on the McKenzie river.

I just make these two out of the vast number of similar quotations I could make to indicate the summer temperature of what you might call the southern half of Hudson bay. I think that that would be about the correct line to draw; perhaps two-thirds of the bay in the south might be included in this classification with regard to summer temperature. Now we come to deal with the opening and closing of the harbours.

The temperatures that I have read bear on that question, the opening and closing of navigation within the bay itself, within the southern or larger portion of Hudson bay and the whole of James bay, and then we have the other question to deal with, that is, the opening of navigation in the Hudson strait and of communication with the Atlantic ocean.

Mr. Low, describing Churchill harbour, says:

The approach to the Harbour of Churchill, if aided by a few beacons and lights, would be comparatively safe, as the channel of approach is fairly deep and wide. Once inside the points of the mouth, the harbour extends up stream about a mile, and has an average of half a mile, with a couple of shallow places in the upper part that might easily be removed by dredging; the general depth of the harbour being from four to four and a half fathoms.

I did not intend to read that extract till later; however it has an important bearing upon the advantages of Churchill, which I will be enabled to explain as I proceed. I have here a table which Mr. Tyrrell, one of our most expert and successful northerly explorers, prepared with reference to the opening and closing of Churchill harbour.

DATES of the Opening and Closing of the Harbour at Port Churchill.

| Year. | Open. | Closed. | Length of Open Season. |
|---|---|---|---|
| 1824 | | Nov. 2 | |
| 1825 | June 12 | " 18 | 5 months 6 days. |
| 1826 | " 11 | " 22 | 5 " 11 " |
| 1827 | " 24 | " 13 | 4 " 20 " |
| 1828 | " 22 | Dec. 1 | 5 " 9 " |
| 1829 | " 10 | | |
| 1833 | " 18 | | |
| 1834 | " 21 | Nov. 15 | 4 months 25 days. |
| 1837 | | " 1 | |
| 1838 | June 27 | " 4 | 4 months 8 days. |
| 1839 | " 21 | | |
| 1841 | | Nov. 25 | |
| 1842 | June 24 | | |
| 1843 | " 25 | | |
| 1844 | " 24 | Nov. 23 | 5 months. |
| 1845 | " 19 | | |
| 1846 | " 10 | Nov. 28 | 5 months 18 days. |
| 1847 | " 26 | | |
| 1848 | " 19 | Nov. 6 | 4 months 18 days. |
| 1849 | | " 27 | |
| 1850 | | " 15 | |
| 1851 | | Dec. 1 | |
| 1852 | June 13 | Nov. 28 | 5 months 15 days. |
| 1853 | " 24 | | |
| 1855 | " 19 | | |
| 1856 | " 9 | | |
| 1857 | " 21 | | |
| 1858 | | Nov. 11 | |
| 1860 | | " 8 | |
| 1861 | | Dec. 4 | |
| 1862 | June 7 | Nov. 5 | 4 months 29 days. |
| 1863 | " 5 | " 11 | 5 " 6 " |
| 1864 | " 21 | " 14 | 4 " 24 " |

DATES of the Opening and Closing of the Harbour at Port Churchill—*Concluded.*

| Year. | Open. | Closed. | Length of Open Season. |
|---|---|---|---|
| 1865 | June 23 | | |
| 1866 | July 2 | | |
| 1885 | | Dec. 4 | |
| 1886 | June 17 | | |
| 1892 | " 19 | Nov. 11 | 4 months 23 days. |
| 1893 | " 19 | " 4 | 4 " 16 " |
| 1894 | " 6 | " 19 | 5 " 13 " |
| Average | June 19 | Nov. 18 | 5 months. |
| Earliest (in 1863) | " 5 | " 1, 1837 | |
| Latest (in 1866) | July 2 | Dec. 4, 1861 and 1885 | |
| Longest season | | | 5 months 18 days, 1846 |
| Shortest season | | | 4 " 8 " 1838 |

This table extends from the year 1824 to the year 1894, a period of seventy years ; it gives the date of the opening and closing of Churchill harbour for all these years, taken from the records of the Hudson bay officials, and it is found that the average day of opening is June 19th and the average day of closing was November 19th, and that the average period of open navigation is five months. Dr. Robert Bell gives his testimony with regard to other points in the bay somewhat south of Churchill. He says :

I have a record of the principal phenomena of the seasons at Martin's Falls, on the Albany, extending through a period of fifty years, and from it I find that the river is open there on an average six months in the year. I have also a record of the dates of opening and closing of Hayes river at York factory, extending over more than fifty years, from which it appears to enjoy an average of fully six months of open water. The Nelson river is open for a longer period.

This evidence does not bear upon the experience of one year or a few years, but, in the one case, of seventy years, and in the other cases of fifty years, and it settles beyond all doubt—and I find there is no evidence set up against it—that harbours in Hudson bay and the mouths of the rivers are open from five to six months of the year. Of course hon. gentlemen will understand this statement has no bearing or relation to the navigation of Hudson strait to the Atlantic ocean. Then we have another point to consider, and that is the safety of navigation. This is what Dr. Bell says with regard to that subject :

Both the bay and strait are remarkably free from rocks and shoals, which might interfere with their free navigation. The groups of islands near the east side of the bay are surrounded by deep water, and a wide channel leads up the centre of James' bay. Fortunately the main body of the bay, which is the portion likely to be hereafter frequented by shipping, is entirely without shoals, reefs, or islands. The depth is very uniform over most of the bay, and nowhere does it present any great irregularities. It averages about 70 fathoms throughout, deepening to 100 and upwards in approaching the outlet of Hudson's strait ; while in the strait itself the soundings along the centre vary from about 150 to upwards of 300 fathoms. The bottom appears to consist almost everywhere of boulder clay and mud. Near the shores a stiff clay, affording good holding ground for anchors, is almost invariably met with on both sides.

While this is the character of the route which will be used by ships from the port of Churchill to Liverpool, that it is absolutely free from rocks and shoals, it must be borne in mind that this is not the general condition prevailing on the coast of Hudson bay. There are mud flats or shoals prevailing over the great part of the coast. This one signally good harbour of Churchill is an exception, but I think I am quite safe in saying that there are other ports in the southern portions of Hudson bay and James bay which may with a little expense, be made useful for the internal commerce of the country, Churchill, however, appears to stand out as the only one port that will be available for ocean communication with large ships. Fortunately it is situated in the right spot for communication with the great Northwest and equally convenient as a route to Liverpool. Now I come to deal with Hudson strait, and hon. gentlemen will pardon me if I read to them extracts from the reports of four of the most reliable and distinguished explorers who

have visited these straits within the last twenty years for the purpose of investigating the navigation there. I may say in starting that the investigation I made on this subject leads me to dismiss as utterly unwarranted the pretentions that have been set up by advocates of this route that there is anything like six months' navigation of the Hudson strait. I do not think it would be safe or fair to say that there is five months' navigation. Four is very much nearer the mark, and it might in some years be found to come down to three and a half months; but there is no question, I think, from the authority I am about to submit to the House, that we have an absolutely open navigation of three and a half or four months, and sometimes perhaps four and a half through the strait. That is what Commander Markham says:

I have in my possession an official record of the voyages out and home of the Hudson Bay Company's ship 'Prince Rupert' for a period of eleven consecutive years namely, from 1835 to 1846, inclusive. I find that the average time of getting through the strait in the outward voyages during this period (and it must not be forgotten that the strait is 500 miles in length) was sixteen days. The longest time was thirty-one days, when there was probably an exceptionally bad ice year. The shortest time was eight days. But the delays in getting through the strait were caused by calms and adverse winds, and not by the ice. On the homeward passage no difficulties were met with from ice in the strait, and the vessel usually reached London in about five weeks after leaving York Factory. The earliest date for sailing from York Factory was the sixth of September, and the latest the third of October. In the latter case the 'Prince Rupert' was thirty-eight days on the passage to London; so that it is impossible she could have had any serious detention from ice in the strait.

Hon. gentlemen hearing the number of days read, and considering the familiarity we have with ocean crossing only by steamers, might think that this seemed to be very long; but those of us who are old enough to go back to the period of sailing vessels will remember that it is only the normal period of time occupied in crossing the Atlantic from the maritime provinces by sailing ships. Now I will read what Capt. Gordon says:

As to the length of season for practical navigation, if we regard the presence of field ice as the only barrier, the information which we have got would point to the months of July, August, September, and October as being the months in which the straits are passable. As a rule in July there will be delays, not to vessels strengthened and sheated there would be no danger in making the passage.

All the inhabitants of the Labrador, the straits and the bay, spoke to on the subject, agreed stating that the ice movements this year were much later than the average; at Fort Churchill the season was fully a month late, and on the Labrador three weeks, so that I think that on the average four months will be the length of the season for practical navigation by steam vessels which would be freight carriers. There have been, I am informed, seasons when the straits were clear of ice in the month of June, but they are, according to the logs of the Hudson bay ships, quite exceptional. Captain Hawes spoke of such being the case only once in his experience of fourteen years.

That is Captain Gordon's testimony. Then we have what Commander Wakeham says:

I now conclude this part of the report by saying that I absolutely agree with Captain Gordon in fixing the date for the opening of navigation in Hudson strait, for commercial purposes, by suitable vessels, at from 1st to the 10th of July. I do not consider that the strait can be successfully navigated in June. Such a ship as the 'Diana' might force a passage through, but these vessels would be useless for commercial purposes. They have to be so braced and strengthened that they are impossible as freight carriers.

Therefore, for all the reasons I have enumerated, I consider the 20th of October as the extreme limit of safe navigation in the fall.

Then we have Mr. Lowe's testimony as given in the recent report on the cruize of the 'Neptune':

The period of safe navigation for ordinary iron steamships through Hudson bay strait and across Hudson bay to the Port of Churchill may be stated to extend from the 20th of July to the 1st of November. The period might be increased without much risk by a week in the beginning of the season and by perhaps two weeks at the close.

Absolutely confirming what the other parties have said. Now with regard to the ice in the strait, we have a great deal of information in the different blue-books that have been laid before us. Those of us who live in the east, particularly one like myself who lives in Prince Edward Island, are very familiar with ice conditions, to our sorrow, although we have a beautiful climate. It is not our own manufacture of ice. It comes down from the northern seas and hangs around our coasts. It is a foreign element which we do not welcome. Navigators in the north speak of four kinds of ice which they encounter. There is the young or harbour ice, which is never regarded as very serious. Then there is the rafted ice, and that is the class of ice we have to do with around Prince Edward

Island almost entirely. It is ice which is drifted by storms, one flake of it lies piled on top of another until it assumes very formidable dimensions. That kind of ice, although a great difficulty in the way of navigation, is not insurmountable by any means where you have good steamers, except when formed by being driven up into a cove or bay. In the open it is not solid ice, and there are generally open spaces between the pieces, so that when it is not driven together solidly a strong ship can always work her way through it, especially after the water becomes warm in July. Then in the north they have something which we know nothing at all about, and that is icebergs. It is a fortunate thing for Hudson bay that all the authorities are agreed on this point, that there are no icebergs formed in Hudson bay, or in the waters that flow into the bay. The icebergs that have been found there by navigators have always been encountered within one hundred miles of the Atlantic, and it is now settled that they are icebergs that have been formed up around Greenland, and they are carried into the Hudson strait by the current, and after moving a short distance into Hudson strait, they meet another current and are carried out to the Atlantic, where they stray, sometimes, into the way of ocean commerce. Fortunately there are no icebergs formed or made within the Hudson bay or Hudson strait. They are a foreign element that come there, and when they are there they have to be treated, as they are everywhere, with great respect. There is another character of ice called growlers. They are icebergs after they have been broken up. They will often break up into half a dozen parts. They then lay low in the water and do not show on the surface, but they have all the elements of the icebergs within them. They are the most dangerous enemies of navigation wherever they exist. Most of the losses to navigation in northern waters are incurred by encounters with growlers. They are seldom if ever found in Hudson strait. The few icebergs that get into Hudson strait do not break up till after they get out again into the warmer waters of the Atlantic. That process begins then, and in that form they are very seldom encountered with in Hudson strait. I might say in proof of the statement that I a now addressing to the House that Captain Gordon who, I am safe in saying has been one of the most conservative of all the explorers that visited those northern waters, rather leaned to the belief that icebergs which he saw inside of Hudson strait west of the opening into the Atlantic, were caused by glaciers in some of the northern waters in Hudson bay. The next year, in 1885, he corrected that opinion: He investigated the matter further and came to a conclusion on which all navigators are agreed. He says :

> In my report last year I described the ice as consisting of three kinds, viz., icebergs, heavy arctic ice and ordinary field ice. The icebergs are stated to have come from Fox channel. This conclusion was based on the report of No. 3 station made on the homeward voyage of the 'Neptune,' that the icebergs passed the bluff from west towards east. This report was made on the strength of the few observations which the party had been able to make in the interval between the two calls of the 'Neptune' at the inlet. Further and more perfect observations show conclusively that the current sets in the opposite direction and that the icebergs move from east to west. If further proof of the existence of this set were necessary we have it in the drift of the 'Alert' when fast in the ice off Ashe inlet and invariably carried to the westward.

From all that I have been able to read, on the subject, this is the only evidence in favour of the formation of icebergs in Hudson bay, and this statement which Mr. Gordon made in 1884 he corrected in 1885.

A very valuable blue-book has been placed in our hands, and I confess that the study I have made of this subject has been caused by the perusal of that most interesting work by the head of the Geological Department. It is a book that gives evidence of the greatest possible care in its preparation, and after reading it through from end to end I am inclined, from the very conservative view that is taken in the whole course of the description that he gives, to place very great reliance on the ultimate conclusions which Mr. Lowe arrived at. I shall read some of the concluding observations of that report, because I am anxious that they shall be placed on our records :

> Taking Regina as a convenient center for these northwestern farming lands, the distance from there by the way of Prince Albert to Churchill is about 800 miles or the same distance as from Regina to Fort William on Lake Superior, and a thousand miles shorter than the distance from Regina to Montreal at the head of sea navigation on the St. Law-

rence. The distance from Churchill to Liverpool is almost the same as that from Montreal to Liverpool, consequently there is a saving distance of a thousand miles of rail or river carriage in favour of the northern route.

The question of the storage of the grain until the season following the harvest, is at first sight a serious one, but when it is known that not twenty per cent of the grain at present reaches the sea-board before the opening of navigation of the year following that in which it is harvested, this objection practically disappears, for the grain may be as well stored on the shores of Hudson bay as in the elevators on the plains, or at Fort William. The question of storage is reduced to the length of time between the opening of navigation of Hudson strait and the time required to transport grain from Fort William to Montreal after the opening of navigation on the great lakes, and this difference in time may be measured by days.

The country through which a railway must run to reach the port of Churchill is known to offer no serious difficulties and although the local freights between the bay and the head of Lake Winnipeg may be small the district traversed is equal in fertility and natural resources to much of that through which the Canadian Pacific Railway runs to the northward of the great lakes. Given a good harbour, such as that of Churchill and an adequate number of steamships, there will be no difficulty in removing from that port during the season of safe navigation all the grain and other supplies that can be drawn there by a single line of rails.

The point having been established that Hudson strait is absolutely free for navigation, so far as ice is concerned, for four months in the year, the further fact being established that the course of ocean-going ships from Port Churchill to Liverpool through Hudson strait is absolutely free from all rocks, shoals and difficulties of navigation; the still further point taken into consideration that this navigation of four months will be mostly in the long summer days when in that northern latitude the sun shines on an average probably twenty hours a day. Sunlight will enable mariners to find their way without depending so much on lighthouses and other aids to navigation. Churchill communicates with the open sea just as directly as Halifax and is not hampered with a long St. Lawrence navigation like Montreal or, to some extent, Quebec, or even with the Bay of Fundy which impedes navigation, to some extent, in connection with the harbour of St. John, it communicates directly into the open sea that is as safe for navigation in the four months of the season as any sea in the world. These are all wonderful advantages in favour of the Hudson bay route. I was going to make an observation or two before reaching this point with regard to the resources of that country. I confess I feel it almost unnecessary to do so. Since the opening of the Yukon and Cobalt we have all been getting a glimpse of the value of this great hinterland. Wealth such as has been discovered in these regions may be in store for us at very many other points. There are indications already of extensive deposits of rich mineral wealth. We know there are valuable fisheries. It is proved beyond every doubt that there is valuable timber growing along the rivers flowing into the southern part of Hudson bay and James bay for a hundred miles or so from the mouths of those rivers; that there is water power on those rivers, and all this shows us that when the bay is reached by railway communication from the settled parts of Canada it will be a great impulse to trade and enterprise of various kinds. There are two distinct propositions before Canada with regard to reaching Hudson bay. The major one has been in our mind so long and which I have been discussing, is to reach Hudson bay by railway from a point in Manitoba or the Northwest Territories to Fort Churchill that will open communication with the old world and afford an outlet for the wheat and cattle of the Northwest superior to any other outlet which could possibly be furnished to that empire we possess in the west. It is known by hon. gentlemen that the Canadian Northern Railway has already been constructed from Winnipeg to a point at the Saskatchewan river. In reply to a question of mine, the hon. Secretary of State told us a few days days ago that the last link south of the Saskatchewan river is now under construction, a stretch of 86 miles, for which a land grant of over a million of acres of land is being earned. That seems to me to be a very improvident transaction. It may not be a very dry prairie, but I understand it is prairie country, and I cannot conceive it possible that the cost of that road would be more than thirty or thirty-five thousand dollars a mile. If I am correctly informed as to the character of the land that is being given to the Canadian Northern Railway for that section, 12,800 acres per mile, it is equivalent to nearly $100,000 per mile. So we are paying $100,000 or thereabouts for the construction of a railway that is not

costing more than one-third of this amount. I regret this for many reasons. I think it will set a pace for further demands from the Canadian Northern or any other railway company that builds a road to Hudson bay. There will be a demand for an exorbitant land grant for the construction of the 400 miles of road from the Saskatchewan river to Churchill. I cannot conceive that the government have done their duty with regard to this matter, because while it is quite true that this grant was made in 1884—after a great deal of difficulty I found in the Dominion Lands Act, a peculiar place for a subsidy to a railway—and it is found in the present revision of the statutes and forms a clause of section 6 of the new revision of the Dominion Lands Act, under which the Governor in Council were empowered to grant land to the extent of not more than 6,400 acres per mile for a railway towards Hudson bay within the province of Manitoba, and not more than 12,800 acres per mile for land beyond the province of Manitoba. It was clearly the duty of the government to have watched the values of land and the cost of railway construction and reduced the grant to reasonable proportions. It is a misfortune that such care was not exercised and I am afraid I shall have to charge the government with a good deal of negligence in not having used the powers they undoubtedly possess with regard to this matter and reduced the aid to this railway within reasonable dimensions.

However, it may now be too late to improve for that part of the railway. From what the hon. Secretary of State has told me, that appears to be settled and accomplished. There remain 400 miles more of railway to be constructed from the Saskatchewan river to Port Churchill. I have gone over two very valuable reports, one report in two sections, that has been laid on the table during the present session, of two explorers, Mr. McInnes, and Mr. O'Sullivan, who were instructed specially during last season to go over that route and investigate the character of the country for the extension of the McKenzie & Mann Railway from the Saskatchewan river to Churchill. I have gone over that report carefully, and it must be satisfactory to every body to find that in their opinion there are no difficulties whatever in the way of construction of that railway. They report, in addition to that, a very valuable tract of land, not very large in extent, but apparently very rich, on the line of that route. At one place they state there is a solid block of about 10,000 acres, the bed of an ancient lake which has been dried up and the soil was found to be very rich. I have not the slightest doubt that other considerable areas of valuable land will be found along that route from the Saskatchewan river to Churchill, land suitable for settlement, and it is more than probable that there are valuable resources of other kinds in that region. I hope it will be possible for the government to aid that railway out of lands along its own line, so there will be no further drain to be made either on the treasury of Canada or upon the lands of the older and more settled portions of the Northwest, for the purpose of securing the construction of this remaining 400 miles of road. However, I am strongly of opinion that it should be undertaken and accomplished as soon as possible, because, with the progress the Northwest is making, we will need all the good outlets possible within a very short time, for the carrying out of the produce of that great country. I desire to place on record my opinion that for the purpose of carrying out the wheat and cattle of the Northwest a road to Hudson bay, and a line of steamers connecting Churchill and Liverpool will be worth half a dozen National Transcontinental railways, and will not cost the people of Canada a tithe as much. Here we will have a very short haul by rail from the centre of the wheat fields to a harbour on the ocean, and have ocean conditions for navigation for four or five months of the year equal to what they are perhaps anywhere in the North Atlantic. The opinion I am giving with regard to the value of this route as compared with the National Transcontinental Railway and other lines of railroad which are all rail routes, is based on the cost of transportation. When we had the question of the National Transcontinental Railway before us some very illusory calculations were made by a member of the other House, Mr. Charlton, to show that a road properly constructed and equipped could profitably carry wheat from the west

to the east in competition with water routes. Since then Mr. Charlton has published a volume of his speeches on public questions, and in that book there is one on the National Transcontinental Railway made early in the discussion in which he submitted a more conservative estimate of the cost of carrying wheat by rail ; but he does not quote or put on record the speech in which he estimated that wheat could be carried from Winnipeg to Quebec, by an all rail route, at six cents a bushel, including carrying empties back. He has shown his own lack of faith in the calculations he then made by dropping them from the book he has since published. No all rail route will have a chance to compete with a water route such as the Hudson bay is, or with the St. Lawrence route, and my observations with regard to that are not directed against the Grand Trunk Pacific to the head waters of Lake Superior. So far as that portion of the line is concerned, it will furnish a good outlet for carrying a portion of the wheat of the Northwest; but the proposition which was so seriously put before us that wheat could be carried as cheaply by an all rail route to the ocean ports as by rail and water routes, is, to my mind, entirely illusory and I think the chief advocate of that all rail route has shown that he has lost faith in his own calculation.

Hon. Mr. CLORAN—Does the hon. gentleman presume to say that the grain producers of the west would hold their grain a whole year to have the advantage of shipping it by the Hudson bay route ?

Hon. Mr. FERGUSON—If the hon. gentleman had listened to what I was saying, he would have heard that only twenty per cent of the wheat grown in the west at the present time finds its outlet by the Atlantic in the year in which it is grown, and if he will keep that in mind he will conclude that there will not be a great deal of suffering on the part of the wheat growers if their wheat is carried to Fort Churchill instead of being stored in elevators at Fort William.

Hon. Mr. CLORAN—Is that statement made by the corn exchange or by an engineer ?

Hon. Mr. FERGUSON—I quote it from a gentleman who may not know quite as much as my hon. friend, but who is a very intelligent man, and I think it corresponds with the general knowledge we have of the fact that a very large proportion of the wheat of the Northwest does not find its way to European markets in the year in which it is produced. It is also true with regard to Hudson strait that the open season is somewhat prolonged in the fall though it does not start early in the summer. Hon. gentlemen can readily understand that, from the fact that ice coming down from the Arctic regions is found there all through the month of June and sometimes into July, but newly made ice does not come down in October, or to any great extent even in November. All the authorities agree that it is possible to prolong navigation somewhat into the fall. However, it may happen that none of the wheat produced in one year would find its outlet to Europe during that same year; but, as I have already said, and as Mr. Low says, that is not a very serious matter, as it is what happens with a great deal of the wheat that goes out by the St. Lawrence at the present time. As I said a few minutes ago, there are two distinct propositions opening before the country with regard to communication with Hudson bay. One is communication from the wheat fields, and the ranches of the Northwest by the way of Port Churchill to Liverpool, and the other is communication from the south, opening James bay and the southern part of Hudson bay to the enterprise and trade of the older provinces. Knowing what we do about the resources of that country, I do not think we can come to any other conclusion than that whenever a line of railway connects the southern part of Hudson bay with the older provinces we will get access to the fisheries, the lumber and the mineral wealth of that northern country, and that it will give an impulse to the trade of Montreal and Toronto and other Canadian cities. We know how our Canadian cities are benefited by the impetus given to trade through the discoveries of the mineral wealth of Cobalt, and to some extent, though it does not come so closely to us in the east, through the development of the Yukon country, and there is not the slightest doubt that when a railway taps James bay, whether it be

a branch of the National Transcontinental Railway or of the Canadian Pacific Railway which is already building in that direction, or the railway owned by the Ontario Government, an immense impetus will be given to trade in the central parts of Canada, and great wealth will be found to exist there, in the development of which Ontario and Quebec will benefit. The mouth of the Nottaway river, I think, presents the greatest advantages in the way of a harbour on James bay. The distance from that point to Churchill is not less than 800 miles, and the railway which taps James bay at the mouth of the Nottaway river will be in direct communication with Montreal and Toronto, and will serve the internal trade of the country. The Mackenzie and Mann proposition is to reach Hudson bay from the west, and establish a great port at Churchill. The two propositions are before us and they are not rivals. I do not know which will be realized first, but they are both most important and, when they materialize, Canada will experience a fresh impulse on the road to prosperity. The question of the disposition of this northern territory rises in any discussion on the subject of the Hudson bay and the territories surrounding it. Manitoba has set up a strong plea for an extension of its boundaries northward and eastward. I notice that at the opening of the Ontario Legislature, the government of that province, in the speech from the Throne, indicated their views with regard to the division of the Keewatin territory. They claim that the eastern boundary of Manitoba should be carried due north until it strikes Churchill river, and thence the Churchill river to its mouth should form the boundary between Manitoba and Ontario; that Manitoba should get all Keewatin west of that boundary, and Ontario all east of it. We have had a similar plea put up on the part of the province of Quebec that Ungava should be handed over to that province. I am strongly of opinion myself that the port of Churchill should be held by a western province. I think there should be no dividing the waters by following the channel of the Churchill river. In the great province of Ontario there will always be rival outlets to the ocean, and this outlet would not be so much in the hands of its friends if it were controlled in any respect by Ontario. The proper course to pursue would be to give Churchill and I would say a great part of Keewatin, east of it to the province of Manitoba, on account of the insufficient dimensions of the province at the present time, and what I consider the still greater reason that Churchill, which is bound to become a great national port of special value to the west, should be in the hands of a western province interested in that route to Europe. I confess that I am not very favourable, at present at all events, to agreeing to the appropriation of Keewatin, or Ungava to the older provinces except in giving to Manitoba what may properly be regarded as its own hinterland and putting it in position as regards area somewhat on equality with the other western provinces. In some respects it has been scarcely fair to the smaller provinces that these large additions have been made already to Ontario and Quebec. They may tell us that it was awarded by proper legal process, and that is, of course, a very effective answer; but while effective from a legal point of view, it nevertheless has been the cause of raising some very troublesome questions. I cannot believe that the United States would occupy the same position it does to-day if the west had been parcelled out among those states that had a border upon it, and there were only thirteen or fourteen states in the union at the present time instead of forty-six. I believe such a division of territory in the United States was never thought of, and I am inclined to think that some harm has already been done in the disposition of the hinterland of Ontario and Quebec. In the awarding of a large territory to Ontario that province has been almost doubled in wealth and importance. The territory that Ontario received is most valuable—rich beyond any conception and the great province of Ontario has been immensely benefited by the extension. But having so benefited, I think the country should pause and pause seriously before handing over more territory to a province that has fared so well in the matter already.

Hon. Mr. KERR—Ontario got nothing more than it was entitled to. There was no concession.

Hon. Mr. FERGUSON—My hon. friend is not correcting me at all. I have already stated that Ontario got it by legal process.

Hon. Mr. KERR—Ontario got it because it was hers.

Hon. Mr. FERGUSON—By legal process the right of Ontario was determined, and we have to bow to that decision.

Hon. Mr. KERR—What legal process?

Hon. Mr. FERGUSON—By the decision of the Privy Council of England.

Hon. Mr. KERR—That was only determining a stated case.

Hon. Mr. FERGUSON—I am right in saying that a reference was had to the Privy Council, and that is how the matter was ultimately decided.

Hon. Mr. KERR—But that northern portion had always belonged to Ontario.

Hon. Mr. FERGUSON—I am not saying it was wrong; far from it. It becomes us as good subjects to bow to the decision of the Privy Council. Right or wrong, Ontario got a very great advantage which she had not possessed previous to that time, with regard to that hinterland, and that being so, we should pause before accepting any proposition for adding further territory to Ontario.

Hon. Mr. SULLIVAN—You are not sorry that Ontario got it?

Hon. Mr. FERGUSON—No, I am not sorry that Ontario fared so well.

Hon. Sir MACKENZIE BOWELL—I never knew that there was any dispute as to the right of Ontario to that portion of the territory to which my hon. friend refers. The dispute was as to the extent of territory west of it. Ontario claimed a great deal more than the award gave her.

Hon. Mr. FERGUSON—In constituting the province of Manitoba the government of Canada did not appear to recognize the legal right of Ontario to what is now called New Ontario. Sir Oliver Mowat contested the matter, and it went to the Privy Council, and the process ended by fixing the boundary between Manitoba and Ontario, and between Ontario and Keewatin, and between Ontario and Quebec as they are to-day. On the strength of the argument used by Ontario and the legal decision arrived at, Quebec came in and claimed a similar hinterland on the very same ground, and it was conceded. I do not find any fault with it. I do not say that it was wrong in one case or the other, but I do say with regard to the position of Quebec that it has the effect of disturbing the pivotal arrangement that was made at Confederation with regard to representation. I will be told, I daresay, that the court has not found that way, but this becomes not only a matter of law, it is a matter of politics and is a matter of equity. There cannot be the slightest doubt in my mind that the large addition that was then made to the province of Quebec as well as to the province of Ontario, although the added territory did not at the time increase the population, there being a very great deal of wealth in that country, ultimately it will be a country in which a considerable population will settle. The wealth of that new country will attract population to the province of Quebec, especially to the cities of that province, just as Cobalt and these northern regions of Ontario have tended to increase the population of Toronto, Hamilton and other cities in that province.

Hon. Mr. KERR—I do not like to interrupt the hon. gentleman, but will he tell us something that the province has gained? Neither Quebec nor Ontario gained anything at all. The court merely established that the province of Quebec at the time of confederation was as it stands now since that decision, and that the province of Ontario stands as it stood before; so that when confederation was formed and talked of in the province of Ontario they talked of the province of Ontario as it stands now, and when they talked of Quebec, under the Confederation Act, they talked of Quebec as it stands now.

Hon. Mr. CLORAN—And if my hon. friend will allow me on behalf of Quebec, I call his attention to this: He has stated that the addition of that territory might have changed the pivotal condition of Quebec. Will the hon. gentleman state to the House or to the country how many voters came to Quebec through the addition of that territory?

Hon. Mr. FERGUSON—The hon. gentleman from Victoria misconceives the point or he would not interrupt. I am always glad to have an interruption, if it tends to bring out the point clearer than it was before. My contention was that it did not matter very much whether at the time of the enlargement of the provinces' boundaries the new territory contained any very considerable population. What I did contend was that if that country is rich in resources, as I have no doubt a great deal of it is, in time that wealth will tend to increase the population within the old boundary of the province of Quebec. I know that the contention set up on the part of Ontario and Quebec is that what new territory they got was really within their boundaries, but the government of Canada did not know it. Sir John Macdonald did not know it, because when he established Manitoba he undertook to form a province which contained part of the territory now in Ontario. My hon. friend shakes his head, but I am stating what is absolutely correct. After confederation the government of Canada did not realize that the boundary of Ontario would be pushed as far back as it was subsequently, and it was owing to the contention advanced by the Mowat government, which was carried before the Privy Council, that that point was settled. It is absolutely correct to say, when we entered into confederation, that in the mind of the people of all the provinces and of the statesmen who framed the Confederation Act, Quebec was considered as it then stood and they considered Ontario as it then stood. Ontario does not come into this discussion however; as far as the question of representation is concerned, it is only Quebec. I am only leading up, in this discussion, to speak of Ungava, and surely my hon. friend now in his argument against the contention set up by the smaller provinces in the east with reference to their loss of representation, would not be prepared to offer the same argument in the case of the addition of Ungava to Quebec, Quebec never claimed that it owned Ungava. In fact the claim advanced by Ontario for the extension of its boundaries, by the addition of new territory, was in the line finally established. It did not claim beyond that, and Quebec then set up a claim, and the claim of Quebec does not go beyond what is now the present boundary. The province of Quebec, in the correspondence which I have looked over carefully, admitted that its claim did not go beyond that. But while I submit that there would be strong objections to adding any considerable part of Keewatin to Ontario. I would admit in an equitable way that Ontario should have as good a port as there is to be obtained in a reasonable stretch of country along the southern shore of James bay, and, if her present teritory does not give her such a port, I think it would be equitable to give her a coast line on the James bay which would include the makings of a reasonably good seaport, but I do not think it would be fair to go beyond that, and beyond that I think the whole question of the distribution of the Northern country, except giving Manitoba her boundary, should be held over for some time to come. With regard to Ungava, I have suggested that the matter shall be held over until such time as Newfoundland comes into confederation, and it might be an inducement to Newfoundland to come in, to give her Ungava; it might be as a condition that she shall renounce her claims to the Atlantic coast of Quebec, the Labrador coast of Quebec at Belle Isle and beyond it. If you added that coast of Quebec it would be open to the objection of again disturbing the pivot of representation. But I hope, before that point is reached, this question of representation will be dealt with as I believe it will be, in an equitable manner, and when that is done, the government will have a freer hand with regard to the disposition of Ungava.

Hon. Mr. POWER—The subject which the hon. gentleman from Marshfield has selected to deal with is a very interesting one. It is, as he says, one which had been dealt with on various occasions in this House before; but now the question has become one of more living consequence than it was, say in 1894. I think that the House is under an obligation to the hon. gentleman for the valuable information which he has submitted with respect to the subject matter of his resolution. It is clear that whatever other gentlemen who are obliged to be here when they would perhaps sooner be at home, may do, the hon. gentleman from Marshfield makes very good use of the time of his compulsory imprison-

ment; and I wish further to say that with one or two slight exceptions to which I may take the liberty to refer, I do not think any fault can be found with the tone of the hon. gentleman's speech. The statements which he has made are nearly all statements which are borne out by the facts. Still I do not look at the question just in the same way as the hon. gentleman from Marshfield. I understand that in Scotland, very often where a road goes over a high hill, there is to be found a large flat stone, on which the wayfarer who has climbed the hill is supposed to sit down and rest himself, and those stones are known by the name of 'Rest, and be thankful.' I think we have been doing great things during the last few years, considering the wealth and population of this country. We have been making very great expenditures indeed, largely, no doubt, for the purpose of developing our resources; still we have been making very large expenditures. Our annual expenditure has got to be very considerable; and the debt, although it has not been increased much of late, is very heavy; and we have on our hands at the present time, apart from everything else, this Transcontinental Railway, of which the hon. gentleman spoke in a somewhat disparaging manner; which, I think, is calculated to occupy the energies of this country for some little time to come. Taking everything into consideration, for instance the possibility that the tide of prosperity which has flowed in our direction so long, may at some, perhaps not very distant, period cease to flow quite as strongly as it has been flowing in the past, it is not sound policy for this country to assume new burdens, burdens of a serious character, but rather to 'rest and be thankful.' I look upon the proposal to build a railway from the Pas on the Saskatchewan to Fort Churchill, and to connect that with a line of steamers to England, as a somewhat formidable proposition. Further, I think that, on the whole, the hon. gentleman over-estimates, although not seriously, the possibilities of the Hudson bay route. I must admit that the hon. gentleman is more conservative than a great many of those who advocate the route; and I think it well that this discussion has been introduced by him because there are enthusiastic people, particularly in the west, who do really believe that the navigation of Hudson bay and strait continues open for six months of the year. I shall quote from Mr. Low's report a passage which the hon. gentleman either read or cited, which gives substantially Mr. Low's conclusions. In the last chapter of his report, at page 295, he says:

> The period of safe navigation for ordinary iron steamships through Hudson strait and across Hudson bay to the port of Churchill, may be taken to extend from July 20 to November 1. This period might be increased without much risk by a week in the beginning of the season and by perhaps two weeks at the close.

You have from the 20th of July to the 1st of November. Now, we must remember that a gentleman in the positon of Mr. Low, sent out on an inquiry of this kind, is somewhat disposed, to look favourably on the scheme, which I do not say he advocates, but which, to a certain extent, he approves; and I have taken the trouble, the hon. gentleman having called attention to this report the other day, to look at some passages in it, which do not seem to me to quite sustain the conclusion which I have just read. I turn to page 14, and about one-third of the way down the page, Mr. Low says, speaking of the 9th of September—and that is well within the period when the navigation is supposed to be unobstructed:

> A large number of icebergs were passed during the day, having been apparently drifted into the strait by the westerly current on its north side, probably aided by favouring easterly winds. They were not very numerous to the westward of Big island.

Hon. Mr. CLORAN—They are cheerful companions.

Hon. Mr. POWER—I am talking just now of Hudson bay.

Hon. Mr. CLORAN—They are not objectionable. They are very good in hot weather.

Hon. Mr. FERGUSON—Icebergs, at that particular time, would be found on the North Atlantic too, in the course of the Strait of Belle Isle navigation.

Hon. Mr. POWER—Then I refer again to this report. At page 36, speaking of the 19th of July, I am not going to quote the first part of it, but he refers to the ice; he says:

> Ice to the northward gradually forced the ship closer to the shores of Coats, where after passing a wide bay partly filled with

large low islands, we coasted within two miles of a prominent headland about 400 feet high, which forms the northeast cape of Coats, and which was named Cape Préfontaine in honour of the Hon. the Minister of Marine and Fisheries.

Beyond Cape Préfontaine the ice became more plentiful and many large pans were met with. The ice had the appearance of being lately broken up, and owing to its smooth unrafted condition, we judged it came from Fisher's strait, rather than from Fox channel to the north of us. During the night this ice forced the ship southward into the channel between Coats and Mansfield, so that the western shore of the latter was reached some twenty-five miles to the south of its northern end.

This ship was specially constructed for Arctic navigation, and she was forced out of her route by ice on the 19th of July. On the same day, at page thirty-seven, we find that a strong southerly wind had been blowing all day, and it was hoped it had loosened the ice along the southern shore of the strait. He says :

The ship was taken under the land but without success, so that after butting through the slowly closing ice all day we were finally tightly beset in the early morning, about three miles from the eastern Digges island. The 21st was foggy, with snow flurries in the morning and showers in the afternoon ; the ice remained tight about the ship all day, and she drifted eastward with the ice, passing Cape Wolstenholme and in the evening, being about five miles to the east of Eric cove.

Then on the same page he says :

Persistent ramming forced the ship through about five miles of the ice on the morning of the 22nd, when she was again tightly beset until the evening, at that time being about 25 miles eastward of Cape Wolstenholme, this distance having been made by the drift of the ice.

That last difficulty took place on the 22nd of July, when the steamer was on her way to the southern side of the strait. So much for the early summer. Now, I shall call the attention of the House to other passages dealing with the later summer. The ship was near Nottingham island. This was on the 8th of September. At page 67 he says :

It was considered dangerous to attempt to enter the ice in such weather with the unknown Mill island directly in the course; we therefore turned back to pass south of Nottingham island. This decision proved wise, for next day the whole mouth of Fox channel was found completely filled with heavy ice, drifted south from the northern parts of the channel. The condition of the Neptune's stem did not warrant any contact with the ice that could possibly be avoided.

Hon. Mr. POWER.

Further down in the same page he speaks of large icebergs being grounded off the eastern end of Salisbury island. It has been contended that there is no difficulty in getting out until, some people say, the first of December. Now we are reading about this ship, specially constructed for Arctic work, going out in the early part of September. He says:

On the 13th, having rounded Salisbury and Nottingham during the night, ice was met with at nine in the morning, twenty-five miles to the westward of the last-mentioned island. The course was changed to south of west to skirt the edge of this great pack, and as it continued unbroken to the westward, the idea of passing through Fisher's strait was abandoned and the course was laid to the southward of Coats island. This passage was encumbered by ice until dark, when the ship lay to awaiting daylight.

There is more about ice on the page, but I do not care to weary the House with that. Then just at the close he says:

The ice from Fox channel had advanced southward and westward nearly twenty miles since we last saw it. This necessitated our keeping close to Mansfield island.

Hon. Mr. CLORAN—What date was that?

Hon. Mr. POWER—It was about September 25.

Hon. Mr. CLORAN—It was ice all the year round.

Hon. Mr. POWER—I think the better way is to look fairly at the matter. I do not think it could be reasonably claimed that the Hudson bay and strait are navigable for ordinary commercial vessels for more than three months at the outside. The question is whether, having spent hundreds of millions as Canada has, largely with a view of bringing the products of the west down to the east, and bringing the goods of the east to the west, we should undertake at the present moment, and without further information, and without urgent necessity, to try to take away from the railroads that we are building, the occupation which the transportation I have spoken of would give them. I think we had better wait and allow the people of the west to ascertain whether, on the whole, it is a desirable thing that this road to Hudson bay should be opened. It is very well to say that is a selfish view for the people of the east to take, but after all, the east has been, until very

recently at any rate, paying for most of the work that has been done, and that work has been chiefly for the benefit of the west. I do not think the west should expect us to be over anxious to spend money for the purpose of taking away from this part of the country the advantage that may arise from the great expenditures that have taken place. The hon. gentleman spoke of two routes, I think he spoke of them as alternative routes, and then he concluded that both schemes might be adopted.

Hon. Mr. FERGUSON—No, I spoke of them as two distinct propositions. They are not rival schemes at all.

Hon. Mr. POWER—He spoke of them as not being rivals. They were distinct. Here is one point where I think his observations were open to some criticism. The hon. gentleman thought proper to make some remarks which were somewhat derogatory to the National Transcontinental Railway. I wish to call the hon. gentleman's attention to the fact that many important discoveries with respect to the valuable character of the hinterland of Quebec and Ontario which have been made within the last two or three years are due to the government's scheme for building the National Transcontinental Railway. The government surveyors and engineers and other employees have observed that the country is worth very much more than it was thought to be worth. Then I wish to direct the hon. gentleman's attention to this fact; probably he is correct in saying that the mouth of the Nottaway river is about the best point on the James bay for connection with the railway system of the Dominion. When the National Transcontinental Railway has been completed, a comparatively short branch may connect the eastern system with James bay, and through James bay, with the Hudson Bay Territory; so that instead of condemning the National Transcontinental Railway the hon. gentleman should approve of it. It is going to help along the scheme which he has at heart. With respect to the other scheme, the road from the Pass to Fort Churchill, we have not always looked at that from a purely business standpoint. While the hon. gentleman speaks of the dry bed of a lake as containing valuable land, I think that the farming land between the Pass and Churchill is a very small quantity indeed. I do not think we have any reason to suppose that for agricultural purposes that part of the country is worth much; and this problem naturally suggests itself; it is said, by gentlemen who understand the transportation question, which I do not claim to do—I have no doubt the hon. gentleman from Marshfield does though—that as a rule the local traffic is the traffic that makes a railroad pay. But there cannot be any substantial local traffic on a road located from near the mouth of the Saskatchewan to Fort Churchill. There will be very little local settlement. There may be, perhaps, a certain amount of fish carried over the road, but that would not count for a great deal, and I do not understand myself how you are going to make a railway pay which will have business for not more than four months of the year. That is one of the questions that have to be decided.

Suppose that we are generous and build this railway: and say that to Fort Churchill it may be used for four months in the year. What is going to become of the railway during the other eight months?

Hon. Mr. CLORAN. Lock it up.

Hon. Mr. POWER. I do not wish to be understood as saying that, when the right time comes, and when it is imperatively demanded, this road should not be built, but what I say is that we should not leap before we come to the stile. We should not lose our heads and do some thing which would not be done by cool business men.

We should not be in a hurry about these things, should not lose our heads and do something we may regret afterwards having done. We have certain assets on our hands now that we would be just as well without.

There is just one observation, which has nothing to do with the question, that I wish to make before sitting down. I notice the hon. gentleman spoke of Labrador, as Ungava. I know there is a disposition to introduce that practice, and it ought to be discouraged. Labrador is a good, sonorous, honest name which has been in use for nearly 400 years. Ungava bay is one of the most God-forsaken regions on the face of the earth, and we should not extend a name which applies to that place to the whole of Labrador. Let us call Labrador, Labrador.

Hon. Mr. CLORAN—The hon. gentleman from Marshfield says that the province of Quebec is indebted somewhat for its population and for its influence with regard to the representation in the Dominion parliament to the fact that this new territory has been added or is about to be added. I can assure the hon. gentleman that the population in that region would not affect one single constituency, or half, or even quarter of any constituency in the Dominion. I admire his generosity in proposing to give Newfoundland one of the good parts of this Dominion as an inducement to that colony to come into the confederation. I think we will hold what we have. We will give none of our territory to Newfoundland to induce her to become a province of Canada. If Newfoundland wants to come in, she will come in of her own free-will. She has quite enough territory to take care of without adding any part of the territory of the Dominion. There are hon. gentlemen here representing Quebec and Ontario, who are quite capable of defending the rights of their provinces, and I think they will agree with me that there should be no such concession whatever. I quite agree with the hon. gentleman from Toronto in saying that it was not the decision of any court that gave what is known as New Ontario to the province of Ontario. The courts sanctioned their demand. The courts could not give territory, so there is no acquired right from the Dominion or any other source. The hon. gentleman from Halifax, in his opening remarks, dealt in a kindly way with the motion made by my hon. friend from Marshfield. I would quite agree with him that the hon. gentleman's study was arduous, and he has brought forth a great many facts, but my hon. friend from Halifax did his best afterwards to demolish the whole structure set up by my hon. friend from Marshfield. If I had left this Chamber after hearing the hon. gentleman from Marshfield, I would have gone away decided in my opinion that we had at least three and one-half months of open navigation in Hudson strait without any obstacle whatever. That would have been my opinion based on his learned dissertation on this question, but the hon. member from Halifax rises, and, after paying a tribute of admiration and respect for the work of the hon. senator from Marshfield, gives to this House and to the country facts which completely demolish the theory of the hon. member from Prince Edward Island. The hon. gentleman has quoted from reports day by day, from the 19th July until nearly the 1st October, facts which go to prove that navigation in those northern waters is almost impossible, if not quite impossible, at least very dangerous. It goes to show what one may learn by listening to two sides of a question. I am very much pleased to have remained to listen to the speech of the hon. gentleman from Halifax. Between the two I am unable to decide, but I coincide largely with the remarks of the hon. member from Halifax in regard to the expenditure that would be incurred necessarily for building a railway for the simple purpose of furnishing traffic for three or four months of navigation. It would not be the people of these territories who would put up the money. It is natural that the government of this country would be called upon to furnish the means for constructing that railroad, and, as he has very fairly and reasonably pointed out, Canada is to-day carrying a heavy obligation. We are constructing works almost beyond our strength, compared with other nations. We have enough on hand for the next four or five years in regard to these public works, and if it is the object of the hon. member from Marshfield to secure the immediate construction of that railway from Saskatchewan river to Hudson bay, to my mind—and I agree with the hon. member from Halifax—he is a little premature. Let us finish the tremendous railway undertakings we have on our hands. After completing that work, if another route should be necessary within the next ten years, let us seek an outlet for the products of the west by constructing the Ottawa and Georgian Bay canal, which will be open seven months of the year, where you will have no icebergs morning or evening, and no snow flurries in July, a route which would be the safest passage between the west and Europe, a route by which dairy, garden and field products can be safely transported in the hot days of July and August, almost without the need of cold storage; a route by which the products of the farm will not be deteriorated in transit. I have not the slightest doubt that the products of the farm carried by way of the Ottawa and Georgian Bay

canal will have enough fresh air from the lakes, rivers and streams of the Ottawa valley, in the hottest season, to preserve them from deterioration with very little expenditure for cold storage. I have had the opportunity and the honour to advocate the building of this canal for the past eight or ten years, and I may tell this honourable House that all this section of Canada is in favour of that project. I do not put forward a demand on the government. The government has its hands full for a year or two, but if Providence continues to bless Canada as it has the last ten years, then I should say to the government, commence the construction of the Ottawa and Georgian Bay canal in the interest of the great Northwest and of the country, and it will be an outlet as short, as profitable and as convenient as can be found in any part of the Dominion. That is a scheme which should command, and I have no dout will yet command, the support of the people of Canada. I am glad the hon. member from Marshfield has brought up this discussion in regard to transportation. I am not opposed, as a matter of principle, to the building of the Hudson Bay Railway or furnishing a seaport to any part of Canada. I am in favour of developing every part of the Dominion; but we are only 6,000,000 of people, occupying a vast territory, and we cannot do everything in a day. Let us construct the necessary works first, and then let us deal with the fringes of the Dominion of Canada.

Hon. Mr. PERLEY—This is a question which more particularly interests the western part of Canada, and it may not be amiss to me as a representative from Saskatchewan to make some remarks on the subject. In my judgment, and I think in the judgment of most of us, transportation is a problem which affects the people of Canada to-day more than any other question. Whether this railway to Hudson bay would provide greater facilities for transportation in the west I am at a loss to know. I am inclined to think it would not, because to-day we have railroads enough for the requirements of that country. The railway companies are building new lines of railway in every direction, trying to cover all the country they can, though none of them can furnish rolling stock to handle the traffic on the lines already in existence. Hon. gentlemen talk about the west being benefited by the east. I will not undertake to argue that point further than to say that the west is the backbone of Canada, and that it gives an impetus to trade all over the Dominion. We are willing to do our part to encourage business, but we like fair play. They say that the Northwest farmer is a chronic grumbler, but I claim that there is no man that the sun shines on who does his business under such disadvantage as the farmer of the Canadian Northwest. I will give you a case in point. Take the district in which I reside myself, and all the other districts are on a par with us in the province of Saskatchewan at least. We commenced to plough on the Perley farm—and all the farms in that neighbourhood are in the same position—in the month of April in 1905. We had a large number of horses well equipped and we ploughed the land nearly two years ago. We cultivated the land all that summer as we have to do in the west. The practice in the east is to plough the land in the spring and sow the seed, and in six months, often less, the eastern farmer gets his return for his produce. A great deal of his returns come in much sooner because he can send his cream to the creamery and his milk to the cheese factory and get his money in three or four weeks, but in the west we are mostly grain and stock farmers. We commenced ploughing in the spring of 1905 with a large number of horses. We had to pay our men $25 to $30 per month, besides furnishing provision for them and feeding the horses. We cultivated the land all that summer to get it ready for the next year's crop. In 1906 we commenced seeding as early as possible, because that is the proper system of farming in the west. In the harvest we paid $40 to $50 for harvest hands to help take in the crop and in due time threshed the grain and put it in the granary. We are willing to do all that because it is the natural condition of things in our country, but we ought to be in a position to utilize our horses through the winter to market our grain. On the Perley farm to-day there are forty horses doing nothing, because we cannot get cars to send our wheat to market. After keeping them idle all winter, we will have to take them next summer from the farm

work to haul the wheat to market. That is the condition of things all over the district where I live. In my district we have not sold a bushel of wheat raised on the ground that we ploughed in the spring of 1905. We had to hold our wheat, the land we had ploughed 26 or 27 months before, and I say that is not a fair state of things. Where is there a man in eastern Canada who labours under such disadvantages ? We cannot get the money out of our crop and we have to pay interest on the implements we purchase. My hon. friend from Halifax says that the railway to Hudson Bay will be idle eight months of the year. Our farmers use a seeder two weeks in the year, and it is idle the other 50 weeks of the year. In the same way we have to invest capital in binders and threshing machines which have to lie idle for over eleven months of every year. But a railway company gets a bonus from the country ; the farmer gets no bonus, and the railroads haul the wheat to suit their own convenience. There is no fair play in that. What we want in this country is more transportation. If the government can grapple with that question they will deal with the most serious difficulty we have to face in the Northwest to-day, and the benefit will go to the commerce of Canada. If the farmer cannot get his money, he cannot pay the merchant from whom he purchases, and the merchant cannot pay the wholesaler from whom he gets his goods and the wholesaler cannot pay the manufacturer who produces them. There is a general tie-up of the whole industry of the country because the railway companies cannot provide enough rolling stock to move the crops. I make no complaint against any railway company. I say, however, that the farmers in the west derive no benefit from the construction of more lines unless they are near competing points. No man can profitably haul his wheat more than ten miles, and each railway has a country tributary to itself, is master of the situation and will furnish cars for the wheat when it pleases them. Now let us see how the Hudson Bay Railway, if built, would help us. Let us start at Regina, that is 60 miles west of Wolseley. I order a car to ship wheat to Hudson bay. There is just a certain length of time in which I can ship it by that route. I order a car from the Canadian Pacific railway, because that is the line I am on, and they say that I cannot get a car. There is no use saying that you can make them provide cars. There are no cars available now, and on our farm we have 35,000 bushels of wheat grown nearly two years ago that we cannot sell for want of transportation. These are facts, and the question to be solved to-day, not for the western farmers alone, much as it presses on them, but for every man interested in the development of the resources of this country, is to provide more transportation and not more railroads. The railway companies say they furnish all the cars they can. If so they do not need more railway lines. They cannot equip the lines they have already, and the rolling stock they have to-day is so delapidated that they cannot keep it up. Even the Intercolonial Railway cannot provide rolling stock enough. There is no use building more railroads ; it is much better to spend the money on providing rolling stock. The Northwest farmer is the most imposed upon man in the country. There is not a senator who can name a single industry in Canada which does not get returns in less than two years from its expenditure. The farmers of my district have large quantities of grain in the elevators from which they cannot get returns in less than twenty-seven months. That is the problem which requires to be solved rather than building a road to Hudson Bay. We were unable to ship more than 20 per cent of our wheat this year for want of rolling stock.

Hon. Mr. CASGRAIN (de Lanaudière)—The hon. member from Wolseley says that no one can point to a business which does not bring in returns within two years. Everyone knows that the lumber business in Ottawa here does not. The drive alone takes from one to three years, and there is a year occupied in cutting the lumber and drying and selling it, and then the lumberman only gets paid for it the following winter.

Hon. Mr. PERLEY—He always has dry lumber on hand.

Hon. Mr. CASGRAIN—Does the hon. member say that it takes eighteen months to get the crop in the Northwest?

Hon. Mr. PERLEY—Eighteen months between ploughing and harvesting.

Hon. Mr. CASGRAIN—Surely that is not the case every year ? You get a crop every year.

Hon. Mr. PERLEY—The system of farming in our country would not suit eastern Canada at all. We have to conform to the laws of nature in order to succeed in farming, and the natural conditions in the west are not the same as in eastern Canada. In the spring of 1889 I sowed 40 bushels of wheat and 60 bushels of oats. It was a dry year, and the seed did not germinate. I lost the labour and the seed. I found out that the proper way to till the soil in that country is to commence plowing in the spring, and to cultivate the land through the summer every ten days. That preserves the moisture. If you do not cultivate the soil the weeds will spring up and get a start. Then the following spring the seed is sown and in that way it takes eighteen months to get a crop. The land plowed in 1905 is not sown until the next spring, and by the time the crop is harvested and threshed it is eighteen months from the time the ground is broken. We do not grumble about that eighteen months—we are perfectly content. Then in the next six months, in place of having our horses idle we should be able to use them to market the grain. Under present conditions we cannot do that. This has been perhaps an exceptional year, but all summer and fall we could not get cars to transport the grain. We would like to haul out a percentage of the crop before navigation closes to get the best price, and then haul the rest in the winter.

Hon. Mr. CASGRAIN moved the adjournment of the debate.

The motion was agreed to .

## BILLS INTRODUCED.

Bill (Q) An Act respecting the Calgary and Edmonton Railway.—(Hon. Mr. Roy.)

Bill (11) An Act to incorporate the Saskatchewan Valley and Hudson Bay Railway Company.—(Hon. Mr. Roy.)

Bill (120) An Act to Encourage the Establishment of Cold Storage Warehouses for the Preservation of Perishable Food Products.—(Hon. Mr. Scott.)

Bill (30) An Act to incorporate the Woman's Art Association of Canada.—(Hon. Mr. Kerr.)

Bill (33) An Act respecting the Inspection of Meats and Canned Goods.—(Rt. Hon. Sir Richard Cartwright.)

Bill (39) An Act respecting the Brockville, Westport and Northwestern Railway Company.—(Hon. Mr. Watson.)

Bill (45) An Act respecting the Athabaska Railway Company.—(Hon. Mr. Talbot.)

Bill (48) An Act respecting the Canadian Northern Quebec Railway Company.—(Hon. Mr. Choquette.)

Bill (50) An Act to amend an Act to confirm an Agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal.—(Hon. Mr. Scott.)

Bill (55) An Act respecting the Huron Ontario Railway Company.—(Hon. Mr. Frost.)

Bill (57) An Act respecting the St. Mary's and Western Ontario Railway Company.—(Hon. Mr. McMullen.)

Bill (76) An Act to amend the Northwest Territories Act.—(Rt. Hon. Sir Richard Cartwright.)

Bill (86) An Act respecting the National Transcontinental Railway Company.—(Hon. Mr. Scott.)

## SECOND READINGS.

Bill (40) An Act respecting the Indian River Railway Company.—(Hon. Mr. Roy.)

Bill (H) An Act respecting the Quebec, Montreal and Southern Railway Company.—(Hon. Mr. Béique.)

## CANADA CENTRAL RAILWAY COMPANY BILL.

### SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (44) An Act respecting the Canada Central Railway Company.

Hon. Mr. LANDRY—This Bill is not printed in French.

Hon. Mr. KERR—The intention was to have it printed in French, and I would like to have it go before the Railway Committee at once. I would urge my hon. friend not to insist on his objection.

Hon. Mr. LANDRY—But I would not be doing justice to the other Bills, which have not been printed in French, which have been postponed, if I allowed this one to go.

Hon. Mr. KERR—I should be very much obliged in this particular matter, if my hon. friend would not persist in his objection.

Hon. Mr. LANDRY—Well, I am getting weak. We will say all right.

The motion was agreed to, and the Bill read the second time.

### DELAYED RETURNS.

Hon. Mr. FERGUSON—I would ask the hon. Secretary of State if he would be kind enough to inquire if that return of July 10 last, relating to Lieutenant Colonel Boulanger ordered by this House is now prepared.

Hon. Mr. SCOTT—I shall do so.

The Senate adjourned until 3 p.m., to-morrow.

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## THE SENATE.

OTTAWA, Thursday, February 7, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### PRIVATE BILLS IN THE SENATE.

#### MOTION.

Hon. Mr. YOUNG from the Committee on Standing Orders and Private Bills presented their eighth report. He said : If the House will consent to suspend the rules, the report may be adopted at once, so that any Bills affected by the report may be proceeded with immediately. It might assist, in some cases, to advance Bills a stage. I am referring more particularly to Bills originating in the Senate. I may also say that the Standing Orders Committee adopted the principle at the meeting to-day, of recommending a suspension of the rules in cases where the notice required would expire next week ; that is that the last notice would appear next week, and therefore we felt justified in asking the House to allow a suspension of the rule, upon our receiving an assurance guaranteeing that the notices would continue and be completed next week in the papers in which it is necessary to publish them.

Hon. Mr. LANDRY—Supposing we adopt the report now, those Bills cannot be received to-morrow. They must be posted for eight days after the second reading, if originating in this House, and for twenty-four hours if they come from the House of Commons. I understood from the hon. gentleman that his special object was to advance Bills originating in the Senate. They cannot proceed. The report may be adopted, and the Bills may be presented to-morrow, but that will not help. I see no cause for urgency.

Hon. Mr. YOUNG—I was anticipating that possibly a motion would be made that the House suspend the rule with reference to non-contentious Bills if, as I understand, the Railway Committee is likely to meet to-morrow.

Hon. Mr. LANDRY—That means a further suspension.

Hon. Mr. YOUNG—Not with regard to these.

Hon. Mr. LANDRY—It will involve another suspension, because it is proposed to do away with the eight days.

Hon. Mr. YOUNG—For non-contentious Bills.

Hon. Mr. LANDRY—How do we know that any Bill will not be contentious ?

Hon. Mr. YOUNG moved that the report be taken into consideration to-morrow.

The motion was agreed to.

### BILLS INTRODUCED.

Bill (S) An Act respecting the Accident and Guarantee Company of Canada, and to change its name to The Royal Accident and Guarantee Company of Canada.—(Hon. Mr. David.)

Bill (T) An Act to amend the Militia Act as regards the calling out of the active militia in aid of the civil power.—(Hon. Mr. David.)

Bill (U) An Act to revive certain patents of the Nichols Copper Company.—(Hon. Mr. Watson.)

## CONTRACTS FOR SECTIONS OF NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON inquired of the government:

1. What portions, stated in sections and miles, of the eastern division of the National Transcontinental Railway have been placed under contract by the government up to the present time?
2. What is the nature of the work embraced in the contract or contracts referred to; are they for grading only, or does any of them include tracklaying or ballasting, or all three operations?
3. What will be the cost per mile of grading, tracklaying, stated separately or all three operations combined, on each section of the said eastern division embraced in the aforementioned contracts?
4. What is the maximum grade of the sections of the said railway embraced in the contract referred to?

And will at the same time ask similar queseions regarding contracts let by the Grand Trunk Pacific Railway Company on the western division of the said National Transcontinental Railway.

Hon. Mr. SCOTT—Questions one, two three and four have been already answered as far as they relate to the eastern division. The answers to the remaining questions regarding the western division are as follows:

1. (a) From Portage la Prairie, Manitoba, to range 14, west of the 2nd meridian, a distance of 275 miles.

(b) From range 14 west of the 2nd meridian to range 6, west of the 3rd meridian, a distance of 140 miles.

(c) From range 6, west of the 3rd meridian, to Edmonton, Alberta, a distance of 316 miles.

2. The contracts embrace the necessary grading and bridging; they do not include tracklaying and ballasting.

3. Grading will cost about $5,800 per mile, tracklaying $300 per mile and ballasting, including surfacing, $1,700 per mile.

4. Four-tenths of one per cent against eastbound traffic and five-tenths of one per cent against westbound traffic.

Hon. Mr. FERGUSON—Is that the average cost of all these contracts?

Hon. Mr. SCOTT—Yes, as I am advised by the Deputy Minister of Railways and Canals.

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## CONSTRUCTION OF LINE OF RAILWAY TO HUDSON BAY.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency may be pleased to lay on the table of this House the orders in council of May 11, 1885, and March 5, 1895, alloting lands in the Northwest Territories under the authority of the Act of 1884, chapter 25, section 7, and all orders in council passed since 1895, relating to grants of lands for this purpose.

Also copies of all contracts between the Canadian Northern Railway Company and the government relating to the construction of a line of railway to the Hudson bay or any portion of the said line of railway.

Hon. Mr. SCOTT—There is no objection to the address; but I call the hon. gentleman's attention to the fact that in looking over the files he will find that the order in council of the 5th March, 1895, has been cancelled by a subsequent order in council, and I assume the hon. gentleman would like to substitute an order in council instead of the defunct one.

Hon. Mr. FERGUSON—I asked for all orders in council.

Hon. Mr. SCOTT—The hon. gentleman's motion would not cover it, if I did not call attention to it.

Hon. Mr. FERGUSON—Of course the hon. gentleman could not lay before us the order in council that was cancelled, but the subsequent order in council making the cancellation would come up under this motion.

Hon. Mr. SCOTT—Very well, let it go.

The motion was agreed to.

## COMMITTEE OF INQUIRY AS TO RESOURCES OF NORTHERN CANADA.

MOTION.

Hon. Mr. DAVIS moved:

That the names of the honourable senators Roy, Legris, McDonald (Cape Breton) and McSweeney be added to the select committee appointed to inquire and report from time to time as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of the Hudson's bay; comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie Territory, its extent of navigable waters, rivers, lakes and sea coast, and that the said committee be permitted to meet and take evidence during adjournments of the Senate.

He said: With reference to the latter part of this motion, I understand the House is going to adjourn in the near future. There are several gentlemen here from the Northwest Territories who have very little to do in these vacations, and there are also several senators from the maritime provinces who will not find it convenient to get home. If this motion is allowed by the House, we will be able to call the committee together and take evidence during the adjournment. There are quite a number of witnesses to be examined, and I find it hard to get meetings of this committee, for the reason that we have only four working days of the week, and there are other committees whose work is accumulating. We want to finish up our work, and if the House will allow us to sit during the adjournment we will be able to get through with a great deal of what we have undertaken to accomplish.

The motion was agreed to.

## DELAYED RETURN.

Hon. Mr. McDONALD (C.B.)—I should like to know from the hon. Secretary of State whether a return called for on the 27th of April, 1906, respecting collisions on the Intercolonial Railway, will soon be brought down? A partial report was submitted, but the balance of the report has still to be produced.

Hon. Mr. SCOTT—I shall be glad to make an inquiry about it, and will give the hon. gentleman the information I get from the department.

## THE SPAIN DIVORCE CASE.

The Order of the Day being called:

Consideration of the first report of the Standing Committee on Divorce, to whom was referred the petition of Osprey George Valentine Spain, together with the evidence.

Hon. Mr. KIRCHHOFFER—I regret to say that even now, after a lapse of two weeks, the evidence in this case has not been distributed. I do not know exactly who is to blame for the delay. The hon. gentleman who leads the House is also head of the Printing Bureau, and, though he may not be personally responsible, he is the one to whom I have to make complaints. It seems ridiculous that after two weeks, and a very small amount of evidence too, we cannot get the report. I do not know what has caused this delay, and I would ask the leader of the government if he would be kind enough to take steps and see that the evidence in these cases is sent to the Printing Bureau, so that no unnecessary delay will occur in distributing the reports.

Hon. Mr. SCOTT—If my hon. friend will send me a memorandum of the case, I will have full inquiry made and will give him an answer to-morrow.

Hon. Mr. LANDRY—I would ask the hon. gentleman to put on the same memorandum an inquiry as to why there is delay in the publication of the French versions of Bills that come to the Senate. Every day we are obliged to raise objections to advancing Bills a stage, because they are not printed. There is something wrong with the Bureau.

Hon. Mr. SCOTT—Can the hon. gentleman tell me any particular paper that was sent down to the Bureau, the printing of the French edition of which has been delayed? I would like to have the date of it in order to trace it, because in any inquiry I have made in the past I have found that the blame did not rest with the Bureau but with the officers of either House whose duty it was to prepare the translation. I would ask him to give me a memorandum of any particular case that he knows of.

Hon. Mr. LANDRY—I can give two from the minutes to-day.

The order was discharged and fixed for the 21st inst.

## SECOND READINGS.

Bill (O) An Act to incorporate the United Baptist Women's Missionary Union of the Maritime Provinces.—(Hon. Mr. Baird.)

Bill (41) An Act respecting the Manitoba and Northwestern Railway Company of Canada.—(Hon. Mr. Douglas.)

## MALONE AND HOPKINS POINT RAILWAY BILL.

### SECOND READING POSTPONED.

The Order of the Day being called:

Second reading of Bill (12) An Act to incorporate the Malone and Hopkins Point Railway Company.

Hon. Mr. CLORAN moved the second reading of the Bill.

Hon. Mr. LANDRY—I object to the second reading of this Bill. It is not printed in French. I call the attention of the hon. Secretary of State to the fact that this Bill has been before us since the second of January. It is a Bill from the House of Commons, and it is not yet printed in French. That is a delay of eight days.

Hon. Mr. SCOTT—I have taken a note of it.

Hon. Mr. DAVID—We are always inclined to blame the translators. I know it is very often a mistake ; they are accused unjustly and if the translators could be heard before this House they could prove that generally the fault is not theirs.

Hon. Mr. LANDRY—I do not accuse the translators ; I think they are all right. I accuse the Printing Bureau though.

Hon. Mr. POWER—The hon. gentleman from Stadacona says he does not blame the translators. I do not blame the translators either, but if the translators would get to their offices in this building a little earlier in the morning and work a little longer, they would be still less to blame.

Hon. Mr. SCOTT—At what hour do they come to their offices ? I heard an hon. gentleman say just now that they came about eleven o'clock in the day.

Hon. Mr. CLORAN—I have seen them here at eleven o'clock at night.

Hon. Mr. POWER—What were they doing ?

Hon. Mr. CLORAN—Working.

Hon. Mr. LANDRY—The hon. gentleman should not be afraid, if he has any accusation to make——

Hon. Mr. POWER—I am not making an accusation.

Hon. Mr. LANDRY—The hon. gentleman is making an insinuation, which is worse.

Hon. Mr. YOUNG—What is before the House ?

The motion was agreed to.

## EASTERN TOWNSHIPS RAILWAY COMPANY BILL.

### SECOND READING POSTPONED.

Hon. Mr. MITCHELL moved the second reading of Bill (42) An Act to incorporate the Eastern Townships Railway Company.

Hon. Mr. LANDRY—I object. I call the attention of the hon. Secretary of State to the fact that this Bill, which was presented to the House on the 13th January, is not yet printed in French. I refer him to page 185 of the Minutes.

Hon. Mr. SCOTT—It is printed in French in the House of Commons form.

Hon. Mr. LANDRY—We have not got it in French here. If it is printed in French, I do not see why we should not get it.

Hon. Mr. MITCHELL—I move that the Order of the Day be discharged and placed on the Orders of the Day for to-morrow.

The motion was agreed to.

## CONCILIATION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (F) An Act to amend the Conciliation Act, 1900. He said : In rising to move the second reading of this Bill, I desire to offer some arguments to the House why I consider it my duty to introduce it at all, and permit me in the first place to say that I have no personal animosity whatever towards organized labour in Canada. I admit that organized labour should have every privilege and liberty within the limits of our law that men are entitled to. I am not going to challenge their right to form such organizations as they have for the betterment of themselves individually or collectively, or yet for the purposes of striking, if they consider it their duty or in their own interest to strike ; but I do object to introducing foreign elements to encourage a strike, to excite our people when a strike has taken place or to encourage demoralizing action on the part of strikers under the circumstances that usually prevail when strikes take place. We have had experience in the matter of strikes for a great many years. When they take place, damage, as a rule, is done to property ; acts that are

in themselves a disgrace to a civilized and law-abiding people take place, and very often personal injury is the result. We want to avoid everything that would lead up to a perpetuation of that condition of things in the case of strikes. I cannot see that there are any grounds whatever why our organized labour institutions should ask the right or privilege to bring foreigners into Canada to aid and encourage and incite strikes, and to direct the course that should be followed when a strike is on. When we want statesmen to manage the affairs of this Dominion, we do not send to the United States or to any foreign country for brains and ability to handle our domestic affairs. We find them within our own borders. Some of the best men we have had in Canada as statesmen were men who followed a very humble calling ; for instance the Hon. Alex. McKenzie was an ordinary stonecutter, but he rose from that to the dignified position of Premier of this country. In all matters of state we find amongst ourselves capable men to handle our own affairs. We find also that when our Canadians cross the border, as a rule, they are not hewers of wood and drawers of water. They occupy some of the best positions. In banking, in railways, transportation, and in many lines of business, Canadians are found occupying good positions in the United States. That shows that we have here ability sufficient not only to discharge the ordinary duties devolving upon us as a people, but when our people go abroad they are recognized as men of good, sound common sense, men who are able to hold their own in competition with any other class, or with any other people in the world. Under those circumstances, why should our laws tolerate the introduction of a foreign element to encourage or direct a strike ? Our law at present contains a provision that when a strike takes place, and a man who is conducting a business is absolutely stranded, without help to carry on his works, the law provides that he cannot bring in foreign labour; he cannot go to the United States and engage men to keep his business running. The law so declares. If the law treats the employer in that way, I should like to know why an employee should not be treated in the same way ? If the employer is prevented by the law from bringing in men when a strike takes place, and he is forced to allow his machinery to stand idle and his institution to remain inoperative, because he is not permitted by the laws of our country to go abroad and engage foreign labour to keep his business running, why should organized labour be allowed to bring agitators in, loud-mouthed men, that harrangue the strikers in their lodges, incite them to acts that are not within our law, excite them to the destruction of property and cause such consternation to fall upon us as a people, as has been exhibited in many strikes that have taken place in Canada? Let me, in the first place, refer to the strike that recently took place in Hamilton. There a most lamentable condition of things existed. The cars were prevented from running. People that were in the habit of going to and from their offices for miles from the centre of business, were compelled to find some other means by which to reach their business. Their families and wives and daughters had to trudge along in the mud in order to get down town to do business, and all because a strike had taken place. When the strikers had exhausted, to some extent, the ordinary means used within the limits of the law in trying to get from the Street Railway Company of Hamilton some recognition of the demands that they had made, they adopted illegal means, throwing stones and brick bats, smashing cars, destroying property of every kind, until the mayor was forced to read the Riot Act on the steps of the city hall, and then eventually the militia was called out for the purpose of putting down the disturbance that existed. The militia had to be sent to the city of Hamilton, and violence and injury was the result, and some people that were innocent, who had taken no part in the strike, had their property destroyed, windows smashed and damage of all kinds done to them. I contend that if, under our law in its present shape, such conduct is permissible, it certainly should be amended, so that people would not be permitted to repeat such violence and such disgraceful conduct as was exhibited in Hamilton.

Hon. Mr. POWER—Will the hon. gentleman allow me to ask him one question, just for information. Did the Hamilton strike originate from the United States ?

Hon. Mr. McMULLEN—I was informed that it did. I am credibly informed that an agitator from the United States came over and took part in and encouraged that strike.

Hon. Mr. GIBSON—Hear, hear.

Hon. Mr. McMULLEN—If that agitator had not come to Hamilton the strike would not have occurred. I am credibly informed that that is the case. Now, with regard to the Lethbridge strike, in western Canada, that was a most unfortunate affair. A strike that has brought about in Canada a condition of things that is most lamentable. People have been deprived of coal that is so necessary in a country that, above all portions of this Dominion, requires an abundant supply of fuel. The men would not mine themselves. They struck for higher wages, and shorter hours and certain conditions, and they would not allow others to mine. The result was that that condition of things lasted for some seven or eight months, well on into the winter. No supply of coal has been provided, and what have we got? People in the Northwest are suffering seriously. In many places they have been driven to such extremes that they have had to chop up their furniture and put it in their stoves to keep them and their children from freezing. They have burned lumber costing $30 a thousand. They have had to go out and knock the wires off the fence posts, chop the posts down and make them into firewood. The condition of things there is most lamentable, and it is to be hoped that that kind of thing will never again happen in Canada. But what was the origin of that strike?

Hon. Mr. BOSTOCK—Does the hon. gentleman mean to say that that condition is entirely due to the Lethbridge strike?

Hon. Mr. McMULLEN—Undoubtedly the coal strike contributed very much to it. We have had a very severe season of heavy snowfall and intense frost, perhaps more than the people were accustomed to in past years, but, after all, I contend that the coal strike has contributed very materially to the suffering that these people have been called upon to endure, and that strike would not have taken place if it had not been for the importation of foreign elements that organized, incited and encouraged those people. They belong to the United Mine Workers of North America coal organization, an organization that exists in the United States as well as in Canada. After the strike was declared, efforts were made to put an end to that strike. Every reasonable argument that could possibly be used was offered to put an end to it, with a view to supplying railways, settlers, and the towns with necessary fuel. The strike continued from week to week and month to month, and what was the result? The government were interceded with to use their best efforts if possible to put a stop to the strike. McKenzie King, Deputy Minister of Labour was at last sent west to negotiate with the men. He pointed out to them the disastrous results of the continuation of that strike, that the country was likely to suffer seriously if it was continued. He did everything in his power. He used every argument that could be offered for the purpose of trying to put a stop to it. After they had discussed it for some days, eventually they came to an understanding that a committee would be formed, and that committee should meet President Mitchell, who was in Minneapolis, living in a comfortable, lordly mansion, enjoying the comforts that, no doubt, surrounded him thinking nothing of the poor people in the western Canada, that were on the verge of being frozen to death. That committee went down to interview Mr. Mitchell and see if he would consent that the strike would be called off and Mr. McKenzie King the Deputy Minister of Labour of Canada, accompanied the committee to Minneapolis to see if, in addition to their persuasive arguments, he could do anything to bring about a settlement. He did not interview Mr. Mitchell, after Mr. Mitchell had a conversation with the deputation. The foreign labour leader at last consented to a suspension of the strike on the grounds that had been submitted by the committee. The result was that the strike was called off. Now, I ask this House, I ask this country, in view of the conditions that there existed; the humiliating position that our Deputy Minister of Labour was placed in when

he had to interview President Mitchell in a foreign country to see if he would not consent to call off a strike in Canada, that had been originated, no doubt, from the United States and had been perpetuated from day to day and month to month because he had refused to allow any concessions, is it not time that the law should be so amended as to prohibit foreign interference in our labour difficulties? It is to be hoped that we may not have a repetition of those experiences in Canada in future. We have no hostility to our neighbours across the border. We want to live on the most friendly terms with them, but we want them to understand that in those things Canada can manage her own business and that it is not necessary that men of that stamp should be brought in here. If organized labour wants to get foreign money to assist them in their strike, there is nothing to prevent President Mitchell from using the banks and other financial institutions of the country that will gladly take any deposit they have to make and send their cheque to Canada. We are not going to say that they shall not send funds; we are not going to close any avenue of communication with them, but we want them to keep out of Canada under such circumstances and let us manage our own affairs. We say that by their coming here from time to time they have brought about a deplorable state of things at Hamilton, Toronto and other places. We had a strike in Victoria not very long ago, on the 17th of November last. There are two or three shipbuilding firms in Victoria and the strike was among their employees for an eight-hour day. The steamship 'Princess Victoria,' belonging to the Canadian Pacific Railway, got injured and had to be docked and several plates taken off her bottom to be replaced by new ones. She had been so injured that she was unseaworthy. The Canadian Pacific Railway Company advertised for tenders and received offers from shipbuilders in Victoria, Seattle and other places along the coast. The contract was awarded to a Victoria firm. Up to that time the men had been working nine hours a day. The shipbuilding firm in Seattle, whose tender had not been accepted, possibly took a little interest in the men who were working in Victoria. I do not say that they did, but I say it looked very like it. Immediately after the contract was awarded to the Victoria firm, when the vessel was on the stocks, and the company was under contract to put her in a seaworthy condition within a limited time, and when they had two other steamers in course of construction to be completed within a limited time, a demand was made by their men for an eight-hour day for which they were to receive nine hours pay. The firm had a meeting with their men and remonstrated with them for threatening to strike, drawing attention to the condition in which they were placed. They said: 'As you are aware, we took those contracts and are under obligation to cary them out. We have agreed with the Canadian Pacific Railway to have the 'Princess Victoria' ready for sea by a certain time. We have a similar contract for the other two vessels.' The labourers replied: 'We know all that, and that is the reason why we embrace the opportunity to strike and insist that the hours of labours shall be reduced.' Now, there was not another port on the Pacific coast where such a demand was made by shipbuilding labourers. In Seattle there was no strike, and no demand was being made for an eight-hour day. I ask the House to examine for a moment the position in which this shipbuilding firm and the city of Victoria as a competitive point were placed against all the other ports on the Pacific. No demand was made anywhere else but at Victoria for an eight-hour day.

Hon. Mr. McSWEENEY—Were not the men in Seattle and other United States cities working under the eight-hour a day rule at the time?

Mr. McMULLEN—No, the time was nine hours, and there was not a firm in Seattle that had reduced the time to eight hours; nor has any of them done so yet, and I may add, nor has any firm in Victoria. The result of the strike was that the shipbuilding firm was forced to bring in labour from the outside to finish their ships, and when they did so they were interfered with. Everything that could be done was resorted to for the purpose of preventing those men working. The strikers exercised every influence, every threat, every device, to pre-

vent the work going on, and it was a continuous fight every day. What was the result? When organized labour did not secure its end, the carpenters struck, then the blacksmiths, then the blacksmith's helpers. When they were asked 'What have you to do with the ship-builders? What particular interest have you in this war?' They admitted none. They were asked then 'Why do you strike?' and they replied, 'Our head organization is in Kansas city, in the United States, and we have received instructions from Kansas city to strike, in sympathy with the others that have struck.' They said they did not want to strike, and expressed regret at being obliged to obey orders from their headquarters. Under all those conditions, and many others that I could mention, it is time some change should be made whereby we could ourselves deal with disputes between capital and labour. There is no need for continuing connection with those foreign organizations, in view of the experience of the past. I have received, and I daresay a great many members of this House have received, letters on this subject—some of them opposed to the Bill. If it should be the decision of the House to give the Bill a second reading, I am quite willing that it should be referred to the Standing Committee on Banking and Commerce, with the understanding that parties on both sides shall have a full opportunity of being heard for and against the measure. I have a large number of letters which I had intended to read to the House, but I have come to the conclusion that it is better to submit them to the chairman of the committee to which the Bill is referred, and after hearing everything that can be said for and against the Bill, let the committee say whether it should become law or not. I feel strongly upon this question, but I want it to be distinctly understood that I have no personal animosity to organized labour. I wish them every success in Canada. I sympathize with our artisans and mechanics in all lines. I want to give them every encouragement, but I want them to exhaust all their own persuasive arguments and powers in bringing about a settlement of strikes before going to the United States or any other country and importing agitators to incite our people to violence and destruction of property, as was done in Hamilton and London and other places in Canada. In the city of Toronto, some years ago, dozens of cars were smashed on the streets, and the lives of people were endangered. That sort of thing has prevailed in the United States to such an extent that people there are waking up to the fact that some change is necessary. A short time ago, when I was in Missouri during the last adjournment of the Senate, I found that there was a Bill before the state legislature providing that any one interfering with any public utility shall be guilty of a felony, and liable to imprisonment for not less than two years and not more than ten years in a penitentiary. Public utilities, such as street cars, railway trains, telephones, telegraphs, coal mines, transportation steamers, &c., which are used by the public every day should be protected. The public should not be put to the inconvenience which results from strikes. They are not concerned in the matters which bring about strikes, and should not be expected to suffer when difficulties take place between the employers and the employed. Let those who are concerned in the disputes settle their differences under the Conciliation Act which is being placed on the statute-book The legislature of Missouri is acting very prudently in passing such a law, and I cannot see why objection should be raised to similar legislation for this country. It is but right that a man who deliberately interferes with or destroys a public utility, which the public need every day, should be held responsible for his conduct and made an example of by being sent to a penitentiary for a term of years. If we pass a law of that character, and administer it fairly, we will soon put an end to the perpetration of the outrages such as we have witnessed in this country of late years. I have mentioned some strikes which have taken place and which have been attended with violence and outrage. I could mention others, but I do not wish to detain the House. I ask hon. gentlemen to give the Bill fair consideration, and send it to committee where it will be thoroughly considered. I earnestly hope that the committee may report the Bill even if it should be in a modified form.

Hon. Mr. COFFEY—In the Bill now submitted for our consideration, it is sought to ben enacted that 'every one is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars who, not being a citizen of Canada and a British subject, in any way intervenes in a difference, whether existing or apprehended, between an employer or any class of employees and workmen or between different classes of workmen. Hon. gentlemen, this Bill is not of formidable proportions, but it looms large in importance, and were it given a place upon our statute-book would lead to results which no man can forshadow. I cannot follow the hon. member for North Wellington in the course he has deemed it proper to take on this question. I think it is a mistaken one, although he has presented his argument in favour of Bill (F) with all that characteristic earnestness and sincerety and firmness of purpose for which he is noted. The change which he has proposed to make in statutes now in force, or, rather, the additions which he wishes to have tacked on to them, would, it appears to me, produce deplorable results. There would be but a still louder and longer ringing of the tocsin of war in the industrial centres. Besides, there will not be wanting a very numerous class who will firmly hold the belief that such a step is retrogressive and ill-accords with that freedom of action, devoid of license, which is the legitimate pride of every Canadian. Furthermore, the passing of this legislation would undoubtedly ruffle the feathers of the American eagle and this were to be avoided save in cases where Canada's honour and Canada's rights are at stake. In this matter I do not think either one or the other is involved. It is of paramount importance to promote good neighbourhood between those who live on both sides of the boundary line. We have much in common —our aspirations and those of our American friends in the world's race for greatness run parallel. To some extent the weal of one in the world's race for greatness effects the weal of the other, and the cloud of ill-fortune that passes over the American republic casts a shadow also on the Canadian dominion.



If we take a broad survey of this question, the conviction will be forced upon us that were the contemplated additions made to our criminal law we would thereby have approved the principle that it were advisable to bring into requisition one kind of measure for dealing with trades unions working under international agreement and quite a different yard stick for those who come into Canada as the accredited agents of various firms or corporations whose field of action embraces both countries. If we are to deal with the masses in rough shod fashion, we should have a disposition of like character in dealing with the classes.

While the president of an international trades union may not come into Canada without running the risk of being dealt with as a criminal, the president of a corporation which lives and moves and has its being as a trust or combine finds no barrier erected to stay his progress or interfere with his freedom of action. While the president of an international trades union, who seeks to better the material conditions of his fellows, comes across the boundary line with the fear that he may be branded as a criminal, the ruling spirit of the federated captains of industry may come to us with light step because assured of protection, notwithstanding the fact that his visit is for the purpose of consorting with kindred spirits, in a carefully tylered room, who desire to give another turn to the screw that forces a yet greater flow of money into his coffers, the guiding principle being, in most cases, not how much it is fair to levy on the people, but how much they will endure. Are we to meet the budding Rockfellers of the great republic with smiles and open arms, and the John Mitchells with the frown and the warrant and the officer of the law? I hope the time will never come when liberty-loving Canadians will be so minded. Shame on the few who would pay unseemly and undeserved court and homage—I might almost say worship—to the winners of the furious race for wealth. Let no one, however, say that a smirch attaches to the man of goodly store who builded his fortune upon a foundation of honour and of justice, and of the gentleman's consideration for his fellows. Such a man, who snatched victory in the battle

of the brains in the world's whirl of business, wears a crown of honour fairly won.

Another feature which it will be most difficult to explain to all who hold impartial procedure in honour, is that which renders criminal a course of action on the part of a citizen of the American republic while a precisely similar line of conduct by a Canadian is deemed quite legal. Surely this will naturally be deemed a fit subject of complaint, the ground work of an irritation which will but add fuel to a flame which we should strive by all honourable means to extinguish. But who are the men at whose heads this drastic legislation is levelled ? We will be told the walking delegates. The walking delegates are, however, for the most part, Canadians. It has happened that some of the American officials of trades unions who have come amongst us have been ill-chosen; that they were men of quarrelsome instead of conciliatory mould and have but added acrimony to the discussion having reference to better conditions for the workmen—and it were better for the wage-earners had such men not entered the arena. But here again we must distinguish. The number of those whose interference increases and intensifies industry's conflict is very small, while many clever, honest men—men of judicial temperament, seeking but justice—have been the medium of bringing about a truce and a declaration of peace between capital and labour. We can all recount cases of abuse on the part of union men. At times, some of them have taken a course which cannot be defended from the view point of law and order and justice. Cases may be cited too where they have been used to carry out some scheme initiated by a certain class of capitalists whose mode of acquiring wealth would, were every one given his due, land them behind prison bars. Cases may be cited, particularly in the United States where those calling themselves union men and officers of unions, have used their position to enrich themselves by inflicting injustice and suffering on capitalists and labourers alike. Cases may be cited where men have promoted a strike in one section of the continent, so that capitalists in another locality may be enabled to add to their store of ill-acquired wealth. But is it not indefensible, is it not a violation of the first principle of justice to endeavour to place the brand of criminality on the many because a few have been untrue to their trust and have taken their places with those who engage the attention of the detective force. It is too much the fashion to denounce trades unions because of the lawlessness of some of those connected with them. I have no sympathy for law breakers, whether they wear the home spun and move in the humble walks of life or whether they be of the class faultlessly groomed and belonging to the higher circle. I will hold no brief for the union man, or for the members of unions collectively who, while demanding what they call their rights, have but slight regard for the rights of their employers. I will hold no brief for the unionmen who uphold a principle and adopt a practice to which fair-minded men who scan the pros and cons without prejudice, cannot affix the seal of approval. I will hold no brief for the union man who in case of a strike disturbance casts a stone at his fellowman, forgetful and regardless of the fact that he thereby inflicts a more grievous wound on unionism. I have no words of palliation for the conduct of the law-breaker who, in the name of unionism, desires, by uplifted bludgeon, to terrorize those who demand freedom of action in pursuit of legitimate ends becoming free men in a free country; neither have I any defence for those who, in the privacy of their counting houses, run riot with the spirit of the law, and approach as closely to violating its letter as will render them perilously near the policeman and the hand cuffs. If choice had to be made, however, I would ask mercy for the poor man rather than for the rich ; because the former's action is oftentimes prompted by impulse, while that of the latter is deliberate, heartless and cowardly and too frequently, as we know in these our times, calling to mind the frauds committed in Toronto and St. Thomas, has been the means of bringing dismay and poverty and suffering and hunger and nakedness to thousands of humble homes, because the little store of labour's savings had been gambled and lost.

It has been the custom to place railroad employees amongst the most conservative of the industrial classes. I will ask the liberty of reading an extract from a resolution passed by Forest City Lodge, No. 240, of the

Brotherhood of Railroad Trainmen, which comprises the trainmen of the Grand Trunk Canadian Pacific and Père Marquette Railway, which I received this morning. Referring to Bill (F) the resolution declares that 'it would be the means of disrupting the good feeling between the employers and employees on Canadian railroads.' * * I would also ask the indulgence of the House to read a few extracts from letters I have received from other labour unions, bearing particularly upon the influence exerted by the delegated representatives of international unions in cases where strikes have taken place and in localities where such are threatened. The Brantford Trades and Labour Council write that, 'the records of the past show that many peaceful settlements have been effected and strikes prevented by the assistance rendered by union officials and agents from the United States.'

The Painters' Union of London claims that Bill (F) could prevent the members from acting in compliance with their constitution and debar them from the benefit of the advice and assistance of the international union officers, whose help in the past has been the means of preventing trouble and amicably settling difficulties and disagreement.

At a meeting of the Toronto Division, No. 17, Order of Railway Conductors, a body that stands in the front rank amongst the industrial classes of the Dominion, it was decided by a unanimous vote, 'to oppose Bill (F) as the members believe that should it become operative it would be very unfair to the Canadian members of the organization and a great injustice to the officers, who on all occasions, have proved themselves gentlemen in their dealings relative to boards of conciliation, or any other differences arising between employer and employed in the train service on our Canadian railroads.'

A strong letter of protest against the passage of Bill (F) comes to me from the printers, a body of men who are generally recognized as the most intelligent amongst the wage earners of Canada. London Typographical Union writes me that, 'Bill (F) would affect its relations with the affiliated bodies and unions, and the international officers could not fulfil their obligations.' I therefore feel satisfied, hon. gentlemen, that the addenda of Bill (F) to the criminal law are but arrows aimed at the heart of organized labour, and will promote, not a more desirable state of affairs, not relations more amicable between workman and employer, but a spirit of resentment, a spirit of disquietude that will open yet more widely the breach that now confronts us.

Apart from all these considerations, however, I hold that the measure introduced by the hon. member for North Wellington is inopportune, in view of the fact that legislation to promote better relations between capitalists and the industrial class is now under consideration in the House of Commons.

The legislation introduced by the Postmaster General has been conceived in wisdom. It is but a step, it is true, in the direction of a peaceful adjustment of trade troubles, but it is better we should go onward in measured paces, feeling our way. The structure that is upreared with undue haste is oftentimes neither strong nor enduring, and so it is with hasty legislation. Let us not by passing this Bill throw another bone of contention into the arena wherein contending factions are dressed up in battle array, but take our places with the Minister of Labour, who, with the premier and his colleagues, have undertaken the task of reconciling differences and interests that lie far apart, so that Canada's capitalists and Canada's workingmen may march onward with unity of purpose and due regard for each other's interests, and thus promote a spirit of peace and good will, respect for law and order, and love of justice and fair-play—confidence supplanting suspicion—mutual esteem taking the place of pride, of wealth on the one hand and the spirit of the leveller on the other—kindness and liberality, poured out in flowing measure to the industrial classes, strangling that delusive dream which beckons them far afield from those first principles that form the corner-stone of that true civilization which is of such vast importance in the building of a great commonwealth for the millions who are with us, and for the other millions who are turning their faces toward this land so rich in promise.

I beg to move, seconded by the Hon. Mr. Ellis, that this Bill be not now read a second time, but that it be read a second time this day six months.

Hon. Mr. ELLIS—I second the motion.

Hon. Mr. DAVID—I rise simply to make a few remarks by way of explanation. Although I agree with almost everything which has been so well said by the hon. gentleman from Wellington, I think his Bill is not worded in accordance with his speech. His speech is better than the Bill; at the same time I think a great part of what he has said would apply more to a Conciliation Bill, which will be brought down before long, than to the present Bill. There is only one sentiment about strikes. We are all agreed upon the necessity of preventing disastrous strikes which may be a curse to the country, but let us for a moment consider the Bill as it stands. There are only two clauses in it. I think the first clause is good, so that I would like to have a chance to vote for the first clause when the Bill is before the Committee of the Whole at a later stage. What is the object of the clause? It provides that no person who is not a resident of Canada and a British subect can be appointed a member of the board of conciliation. I think this is a good clause, and why? Because the members of the board of conciliation are invested with judicial functions, and, consequently, they are obliged to act as judges and to judge according to our laws, and it is proper to enact that the members of that board of conciliation should be Canadians and British subjects, knowing our laws and subject to our laws. I think it is proper not to be judged by foreigners. That clause is good and should be preserved. I will have occasion to speak further on that point later on, but for the present it is not necessary. I think that the second clause is very objectionable, because it enacts that an act which would not be criminal if done by a Canadian and by a British subject, will be a crime if it is done by a foreigner. I am not ready to explain how that provision is contrary to the spirit of international law, but I have no hesitation in saying that it is improper to make such a discrimination between a foreigner and a British subject and a Canadian. The clause would be less objectionable if it applied only to those who come here to organize a strike. While I am not ready to say that I would vote for such a clause, because a strike is not declared by our law criminal, it would be less objectionable. If you read the clause you will see it applies not only to strikes, but to all kinds of deeds or acts or words. It says:

> Every one is guilty of an offence and liable on summary conviction to a fine not exceeding $100 who, not being a citizen of Canada, and a British subject, in any way intervenes in a difference, whether existing or apprehended between an employer or any class of employers, and workmen, or between different classes of workmen, &c.

I call the attention of the hon. gentleman from Wellington to the interpretation of that clause. What does it mean? It means, evidently, that anything which would be done, even with the best intention, by a member of a foreign trades union who would come here, even with the intention of settling difficulties, to prevent a strike, would expose him to a fine under this clause and to be punished as a criminal for doing something which, perhaps, would be in the interest of the country and of the strikers. I do not want to speak at any length upon this question, now, but I submit these objections to the hon. gentleman from Wellington and to the hon. members of this House.

Hon. Mr. ELLIS—The hon. gentleman proposes to amend the Conciliation Act. I think it should be shown that the Conciliation Act has failed, and that his amendments are necessary. So far as I heard the hon. gentleman from Wellington—I was not in the House all the time he was speaking unfortunately—I did not hear him attempt to impugn that Act in any way. The hon. gentlemen who are interested in the question,—and I presume all hon. gentlemen are—if they will look at the published report of the Deputy Minister of Labour, will not find any reflections on the workings of the Conciliation Act. On the contrary, all that the deputy minister says seems to be favourable to the operations of the Act, so far as it has been applied. But I regret to say that the Act does not appear to have been used as extensively as, no doubt, was intended or hoped for by the hon. gentleman, Mr. Mulock, now a judge, who introduced the Bill. In the year since the Act came into force, 25 cases of disputes have been settled by arbitration, and thirty-seven by conciliation. In the last year only four cases were settled by conciliation councils. Of the various strikes which took place, 723 strikes in all, or 723

labour disputes in the six years since 1901, twenty-five were settled by arbitration, and thirty-seven by conciliation. There were four by conciliation last year. The largest number was in 1903, when fourteen cases were settled. It nowhere appears in the published document, so far as I can find, that any difficulty arose because of the way the Act was drawn. Now, with regard to the proposition itself, I think the hon. gentleman from Mille Isle (Hon. Mr. David) does not go far enough in his objection to it, because, as I read the Act, if the proposition which the hon. gentleman proposes were carried out, nobody outside of Canada could be called in as a conciliator. The intention is to exclude everybody, a British subject as well as anybody else, unless he is a resident of Canada. If a great dispute arose in this country, we could not call in Keir Hardie or John Burns or James Bryce, or the Countess of Warwick, or any of these eminent people on the other side of the water, who take a great interest in the workingman. The same thing applies also to the second clause, which my hon. friend discussed at more length. The side note to the Bill makes it appear that an alien is referred to, but the words of the Bill itself seems to me to cover the general statement that I have made, that no person could sit on the conciliation councils, unless he or she were a resident of Canada and a British subject. I think the hon. gentleman should have proved that the operation of the Act at the present time, has caused disputes, or has had some effect in producing disputes. That is as to the conciliation council, but as regards the general principle involved, I think that there is a disposition in this House—I do not wish to reflect upon the House, because every body is entitled to his own opinion—but there does appear to be throughout the House a great fear of labour. There is a great fear that, in some way or other, labour will create trouble to the country, unless its movements are suppressed, that if any sympathy is extended to it, there is likely to be injury, and there is a great fear of danger to the country because of this sympathy. Well, the man who looks over the course of history, not to go too far back, from the time of the introduction of the Christian era, will find all the great movements that mankind have sought to forward, have been resisted by people possessing wealth and exercising great influence. They seem to think it advisable to resist these movements. Yet these movements make their way, when founded upon truth and justice, or when they have a certain amount of truth and justice in them. I know it would not be fair to drag in the Reformation in this debate, but I would point hon. gentlemen to where it was thought necessary in the interest of the state to suppress religious views and opinions of men, those views and opinions asserted themselves in the end. The Chartist movement in England may be referred to. Almost all the reforms advocated by the Chartists are in effect to-day, except that the House of Lords exists and that we have not annual parliaments. All of these questions excited fear at the outset, and my hon. friend is excited by the prospective fear which he creates himself. If he is in earnest, why does he not go further, and protest against the investment of Canadian capital in the United States, or the investment of United States capital in Canada, or why does he not prevent our daughters from marrying United States men and our sons from marrying in that country? There are a dozen ways in which the principle might be applied. But it is not well to take labour and make it responsible for all the disorder that affects society. One word more. Each one of us, no matter whether a capitalist or a workingman, is desirous that the masses should be educated. We provide for education. We facilitate their education in every way. Do you suppose, when you have given the masses an opportunity for education and place the ballot in their hands, that an order should go out from this House preventing certain men from sitting on a board, and stop a movement which was intended, whatever mistakes have been made, to remedy the great wrongs of mankind. I think it is impossible to do so. The true way to correct revolution of any kind is to see that it goes in a proper direction, and does not go too far, but not to suppress it entirely. It is just like one of those bombs in which so much explosive is bound up, and when it is thrown does so much damage. It appears to me that no reasons whatever have been given

to the House why this particular Bill should pass, no matter what becomes of the question when it is placed before us in the proper shape.

Hon. Mr. CLORAN—I have one word to say in regard to the legal construction of this Bill. I am afraid that the hon. senator from Wellington has not given sufficient attention to its construction. He has aimed at a certain thing, and I think he has overshot the mark to some extent. This Bill, if it were ever put on our statute-book, would be a most dangerous weapon in the hands of magistrates, who would side one way or the other, with capital or with labour. Laws should not be put into the hands of judges to be interpreted. Laws should be placed in the hands of judges to be applied. That is a principle which is not very well followed in our legislation, and in the legislation of many countries, but experience teaches me from day to day that it is a dangerous thing for any parliament or any representative body of men, to pass on the popular will, through their laws, into the hands of any one individual, whether he sits as a magistrate, or a judge in the superior court, or whether it is five or seven judges sitting on the Supreme Court bench in this country, or of any of the provinces. Their sole duty should be to apply the law. Now, how can any judge apply this law, within the meaning of the hon. gentleman who proposes it ? The fourth clause reads :

> Every one is guilty of an offence and liable, on summary conviction, to a fine not exceeding $100, who, not being a citizen of Canada and a British subject, in any way intervenes in a difference, whether existing or apprehended, between an employer or any class of employers and workmen, or between different classes of workmen.

Now, this is exceedingly broad, and I know no man on the bench who would like to be called upon to interpret it under all circumstances and all conditions. It says : 'Any one who in any way intervenes in a difference.' What is going to constitute a difference ? What is going to constitute an intervention ? Will it be by letter ? Will it be by a nod ? Supposing the organizer is deaf and dumb, he will use no words, but will have to use signs. Will a sign from a man under those conditions be interpreted by the judge as a criminal act ? For instance, the hon. gentleman from Wellington stated from his knowledge, having read or seen that a strike having occurred in British Columbia among the ship-builders that other trades dropped work, out of sympathy, with the strike because they had been ordered to do so from Kansas City. That strike might have been ordered by letter or telegraph. How are you going to deal with a case of that kind ? How is the judge to distinguish between these different methods and say which is criminal ? Remember it says 'in any way intervenes in a difference'. It does not necessarily mean a strike ; it may mean a difference of opinion between the employer and his employees about the work. If he says it should be done in one way, and the men say that it should be done another way, there is a difference. Drafted as the Bill is now, there can scarcely be any relationship between employer and employee that does not involve a possibility of the law being called in to settle these matters. Even an employer of labour, under this Bill, is not allowed to settle a strike unless he is a citizen of Canada and a British subject. I know many citizens of Canada who are not British subjects, who employ labour in this country. Under this Bill such employers would be guilty of a criminal act if they in any way intervened in a difference between their manager and their men. I know that the hon. gentleman does not mean that, but his Bill covers such a case and a judge would be forced, by the wording of the Bill, to prevent an employer who may be a citizen of Canada but not a British subject from settling a strike. Clearly the Bill over-shoots the mark. Then it prevents our fellow subjects throughout the empire from harmonizing with and aiding one another. Surely the hon. senator from Welington, and those who agree with him in the matter, would not declare that citizens of Canada, whether capitalists or employees, should not have the sympathy and co-operation of either capital or labour situated outside the limits of the Dominion ? We are an empire one and united, and what is the trouble of one part of the empire should be the trouble of all. Where help is required, sympathy should not be restricted to the locality where that aid is needed, but an even

chance should be given to every part of the empire to take a hand in and help on any good cause. On that ground alone I would be opposed to the working of the Bill as it stands. I also find another obstacle: our government and our people are very anxious to secure capital from foreign countries for the building up of Canada, the developing of its resources, and construction of our great national highways. We are getting capital not only from Great Britain but from Germany, France, Belgium, United States and other countries. We have say, in the city of Montreal, a very large manufacturing concern, employing several hundred men. The president of that company, because he is not a citizen of Canada or a British subject, would have no right to consult with his employees with regard to difficulties that might exist in that factory. The Bill, as it reads, prevents that. Surely this House will not pass a measure of that kind? We have many concerns in Canada whose presidents live outside the Dominion. I know of one concern in which a very prominent English capitalist was elected president the other day. If he was asked to come here and settle a difficulty he would be infringing the Criminal Code of Canada, and liable to imprisonment if he consented. Surely the Bill goes beyond all reason and fairness. The first clause restricts the personnel of an arbitration or a conciliation board to citizens of Canada and British subjects. The arguments which avail and prevail against the 4th clause avail, and prevail against the first. Why? Because the experience of the past teaches us that it is not wise to limit arbitrators to the locality in which you live or the country wherein you reside. In large questions, governments generally take outsiders as arbitrators, and why should not labour, which is the vastest cause in this country or any other country, have a right to appeal outside of the limits of Canada for representatives on an arbitration board? They have done so in the past, and with very beneficial effect. A year or two ago there was an extensive strike on the Canadian Pacific Railway which was doing a lot of damage. I am informed by the secretary of the Labourers Association, that it was one of the largest in Canada, and I suppose one of the largest in the United States. He writes to me as follows:

120 Earl Street,
Kingston, January 22, 1907.

Senator Cloran,
The Senate, Ottawa, Ont.

Dear Sir,—I take the liberty of writing you to ask you, if you can consistently do so, to offer your strongest opposition to an amendment to the Conciliation Act, introduced by Senator McMullen.

This amendment, like an Act introduced by Senator Lougheed sometime ago, aims at making it an offence for a labour leader, who is not a British subject, to take part in any dispute, actual or apprehended, in Canada, and attaching a penalty.

Like all the railway organizations, ours is international, and in the settlement of our strike on the Canadian Pacific Railway some years ago, after eleven weeks of conflict the company offered, if we called off the strike, to re-instate every one not guilty of crime, in their former position, and meet us in six months and give us a schedule. Our president, John T. Wilson, had, before sanctioning the men's request to be allowed to quit work, doné his best to procure a peacable settlement, and had repeatedly urged upon the highest officials of the Canadian Pacific Railway, to submit the matters in controversy to arbitration, but in vain.

At the end of the six months stipulated we met the general manager, but on the question of wages we could not agree, and this time they agreed to arbitrate, the company choosing as their arbitrator, Mr. Gutelius, their chief engineer of maintenance-of-way, an American citizen; the employees choosing their president, Mr. John T. Wilson, also an American citizen, the third arbitrator being Sir John Boyd, the award giving us an increase of 20 per cent on former rates.

I can assure you the men believe they were very greatly benefited, by having as their arbitrator, their president, an expert, and whose service cost them nothing, whose interest was to do his level best for them. And I can speak with absolute knowledge, that far from fomenting strikes, in every case he has exhausted all means of procuring a peaceful settlement by appealing to presidents, vice-presidents, general managers, or any and every one in authorty to submit the differences to arbitration.

And it seems to us Canadians manifestly unfair to attempt to deprive us of the best expert help we can procure, without regard to boundary lines, whilst permitting corporations to import their experts without let or hindrance.

Trusting you can consistently with your sense of duty offer a successful opposition to Senator McMullen's proposed amendment, and thanking you in advance,

I am, yours very sincerly,
A. B. LOWE,
First vice-president, International Brotherhood of Maintenance-of-Way Employees.

Now there is the experience of railroad men who occupy such a prominent position in the railway world of Canada, and who over their own signatures, ask par-

liament not to place on the statutebook a Bill which would deprive them of the benefits of fair arbitration. I also received the following communications :

Victora Lodge, No. 111, International Association of Machinists.

Meetings held every 1st and 3rd Wednesday, Oddfellows' Hall. 251 St. James street.

Office hours : 9 to 11 a.m and 2 to 4 p.m. Monday, Wednesday and Friday : 8 to 10 p.m.

Office of business agent : Room 4, 251 St. James street.

Secretary's address : Room 4, 251 St. James street.

Montreal, January 8, 1907.

Hon. Senator Cloran.
House of Commons, Ottawa.

Dear Sir.—At our meeting of January 3, 1907, we, the International Association of Machinists, in regular meeting assembled, have passed the following resolution :

That we do hereby emphatically condemn the Bill 'F' before the House of Commons, and ask you to use your influence and vote to defeat said Bill, also to use your influence and vote in favour of Bill No. 32, as being in the interest of the people, trade, commerce, morals, and upbuilding of our country and the advancement of the shorter work-day for the labouring class. Hoping sincerely that you will give this your timely consideration and assuring you of our individual support in such matters.

I have the honour to remain,
Your truly,
WILL H. PATTON,
Secretary.

United Brotherhood of Carpenters and Joiners of America District Council.

Carpenters, Joiners, Cabinet-makers, Sash and Door Manufacture Employees, Stair Builders, &c., &c.

Meets every Wednesday, 137a St. Elizabeth street.

Bell Telephone, east 2327.

Montreal, January 11, 1907.

Hon. Henry Joseph Cloran, B.C.,L.C.R.

Dear Sir,—Pursuant to instructions of the District Council representing the carpenters' unions of Montreal, I take the liberty to present to you the following resolutions :

Resolved, that this council protest energetically against Bill 'F' by Senator James McMullen amending the Conciliation Act of 1900, and to request our representatives in the Senate and in the Commons to oppose the said Bill.

Be it resolved that the Senators and members of parliament representing this district be requested to support Bill No. 32 by Alphonse Verville, member of parliament for Maisonneuve, fixing the hours of labour on public works at eight per day.

Trusting that the above will meet with your approbation and that you will acquiesce to the desires of the workers.

I am yours respectfully,
JOSEPH AINEY,
Secretary.

J. Willoughby, general chairman,
Newmarket, Ont.
D. L. Shaw, general secretary and treasurer,
769 King street, London, Ont.

Order of Railroad Telegraphers, Grand Trunk System, Division No. 1.

London, Ont., January 24, 1907.

Hon. Henry J. Cloran,
Montreal, Que.

Dear Sir,—Kindly note the following resolution, passed by the Grand Trunk Telegraphers, re Senate Bill 'F.'

Whereas, Senate Bill 'F' has been brought to the notice of the Grand Trunk Telegraphers in the Dominion of Canada, and

Whereas, after carefully considering the same, we find that this measure, if enacted, would be detrimental to our best interests, peace and welfare. Therefore, be it

Resolved, that Mr. D. L. Shaw, our general secretary, be instructed to advise all members of parliament and senators, representing the territory through which this system extends in the Dominion of Canada, that the telegraphers on this system are bitterly opposed to the proposed amendments and additions such as is set forth in Senate Bill 'F.' and that we implore their vote and influence in the defeat of any such legislaton.

Yours very truly,
D. L. SHAW,
General secretary.

These are appeals which this parliament cannot resist, and I am positive that if they are of no avail, if they strike deaf ears—and I am afraid there are some here who have deaf ears to any request made on behalf of the labouring class of the Dominion—they will be heard in another place. The hon. senator from Wellington takes a false position when he points to riots and bloodshed which have occurred occasionally in strikes, and then condemn the whole labour movement. He might as well conclude because a bank manager has recently been convicted of robbing a bank that all bank presidents are theives. We may come to the conclusion that they are worth watching, not because this one person has been guilty of robbing the bank of which he was manager, but because neither bank presidents nor directors pay enough attention to the affairs of their banks. We have been able to prove on the floor of this House and it has been proved in the courts of New York, that other financial institutions, such as insurance companies have been systematically robbed by the men who managed them, but because one or two men have been involved in such crimes, we would not be justfied in saying that all

insurance men are equally guilty. I do not say that labour commits no crimes, but where crimes are committed in the name of labour the criminal code is sufficiently strong to punish those individual acts. Let not parliament, on account of these individual acts pass a Bill to strangle their liberty of action and their means of doing right. The law gives no man a right to do illegal acts and it is strong enough to suppress riots and prevent the destruction of property. We are doing it to-day in the case of the Buckingham strike, where no foreign element was on the spot. I have no doubt if there had been wise heads to manage that strike, men accustomed to disputes between capital and labour, there would have been no bloodshed. The men in McLaren's mills, who left their work to strike, had no idea of organization, no idea of self-restraint. They had not been educated in that direction. They were freshly organized, and were not of the most highly educated class of workmen; the result was that in their ignorance, without any leadership, they rushed on until the fatal shots were fired, and lives were lost. But that is no justification for introducing this Bill, any more than the occurrences in Hamilton to which the hon. gentleman has referred. If I am not mistaken, the people of Hamilton, or the municipal authorities of that city, were just as much to blame as the strikers for the rioting and destruction of property. Had the municipal authorities taken hold of the situation firmly, the strikers would not have gone so far as they did, but these incidents are not a sufficient ground on which to pass legislation of this character. If the Senate responds to the appeal of the hon. senator from Wellington, and refuses to listen to us who oppose the Bill on behalf of liberty and fair-play, when the measure goes to the House of Commons it will get a very cold reception there. As I have already stated, this subject is occupying their attention, and I know the Minister of Labour will oppose this measure and have it defeated. He has publicly said so in his official position. In passing this Bill we would simply put ourselves once more on record as being opposed to the legitimate demands of the working classes of this country. We know before starting out that our object cannot be attained. Knowing before hand that this Bill will meet with a cold reception and a fatal blow in the House of Commons, we should not be called upon to place on our records an expression of a want of confidence in the working classes of this country. They have assembled peacefully and passed resolutions like any board of directors of a bank or of an insurance company. Those expressions have been sent to this parliament, and, I hope, on their behalf and on behalf of the peace, prosperity and liberty of this country, that this Bill as drafted may not receive the sanction of this honourable House.

Hon. Mr. BERNIER—Objection is taken to the wording of the Bill. It may be that the language of the clauses could be improved, but when objection is taken to it on the ground that the president of a company could not interfere in a difficulty or between his company and its employers, I think the interpretation of my hon. friend is inaccurate. In that case, the manager would not be interfering with other people's business. It would be his own business and the consequence is he would be, under the law, within his right. The Bill does not contemplate anything of the kind suggested by the hon. gentleman.

My hon. friend from St. John has suggested that a feeling seems to exist in this body, unfavourable to labour. For my part I disclaim that imputation. I do not think any member of the Senate is opposed to the legitimate interests of labour. I for one, at the end of this discussion, may vote for the Bill, and I do not want to be saddled with such an imputation. Such a feeling does not exist in this Senate, and to my mind does not exist in the country. At the same time, we must admit that the question is very important. Different opinions in regard to the labour question may be expressed pro and con, and under the circumstances, it seems to me that the course proposed by the hon. gentleman from Wellington is worthy of careful consideration. Some of us may have ideas adverse to this Bill, but it seems to me the labouring men who have sent copies of resolutions to many of us should be given an opportunity to be heard. That is impossible before this House, but they can be heard before the committee; therefore let us refer the Bill

to a committee where everybody will have an opportunity to express his views fully and furnish evidence in support of his contentions. For these reasons, I would vote for the motion made by the hon. gentleman from Wellington.

Hon. Mr. DeVEBER—I should like to preface the very few remarks I intend to make on the subject with a statement to the effect that, could I deem it advisable, or could I see my way clear to support the Bill of the hon. gentleman from Wellington, I would be a very happy man, indeed. There is something in it that appeals to me. It contains a sentiment and expresses an idea that should appeal to the patriotism of every Canadian, that is, that all bodies—I would go farther than the hon. gentleman from Wellington—that all bodies, corporate or incorporate, union or non-union, should be thoroughly Canadian, a self-governing body that would not have to go outside of the Dominion for advice. But there are times when sentiment must give way to calm reflection. There are occasions when patriotism even must give place to what may be for the common good. Whilst I agree with the principle of the Bill, I must oppose it because I think it is inopportune. We have in Canada to-day a great many mutual benefit societies. They are not exactly the same as unions, but very similar. When they were started in Canada, they originated chiefly from bodies in the United States. As they grew in wealth and importance, it became clear to them that it would be advantageous to them to be self-governing in Canada, and have Canadian jurisdiction. Amicable arrangements were made. There was not a discordant note, and the funds were distributed fairly. Now if this had been done by legislation, by some drastic measure, would there not have been some discordant note? I feel sure there would. I think that the labouring classes have brains as well as we have ourselves and it would soon come to them that it would be more advantageous to be self-governing than to be governed from abroad, and I do not think that the time is very far distant when foreign interference will be no longer tolerated. The strike game is a very peculiar game. I have played a good many kinds of games, and have come across a good many, but this is the only one I have seen where nobody wins and everybody loses. The capitalist loses the interest on the capital invested and which it should have earned. The labourer loses the wages he should have earned. The people of the community in which the industry is situated loses that part of the wages which would have been expended in that town, and the general public of the provinces of Alberta and Saskatchewan, who relied upon the mines of Lethbridge for their coal supply, were, owing to the strike in those mines, put to great inconvenience, and in many cases I believe lives have been seriously endangered. The question is how to put a stop to these strikes. Now, coming from a town where this strike occurred and having experienced a strike there once before, I have probably taken as much interest in the matter as anybody in Canada. I have studied the question very fully and have come to the conclusion that there is only one possible way to stop strikes, and that is by compulsory arbitration and incorporation of the unions. I might say that during last summer I have endeavoured in a quiet way to bring capital and labour a little closer together, to see if it were not possible for them to meet upon a common ground and unite in an effort to have laws placed upon the statute book that would be not only a simple solution of the question but provide a tribunal that would give a just, equitable and fair decision on every question arising between the labourer and his employer, and then put a stop to such strikes forever. I do not feel that I could give information on that subject at the present time. The conversations that took place between myself and others were somewhat of a semi-private and personal nature, and for the present I do not feel that I should put them before the House, but I can say that I have been more than pleased with the advance I have made, and if nothing turns up to prevent it, I think I see my way clear to legislation that will put a stop to these strikes. We must remember that the matter of preventing strikes by legislation does not lie in Ottawa; it is a purely provincial matter. There is a Bill before the House of Commons at present, introduced by Mr. Lemieux, that goes as far as this parliament can go in the matter. The rest must be purely provincial. What I fear about

this Bill introduced by my hon. friend from Wellington is that it may create sufficient irritation to render all the efforts I have made during the past summer negative.

Hon. Mr. GIBSON moved that the debate be adourned until the 20th inst.

The motion was agreed to.

SECOND READING.

Bill (43) An Act respecting the Dominion Central Railway Company.—(Hon. Mr. Frost.)

The Senate adjourned until to-morrow at three o'clock.

## THE SENATE.

OTTAWA, Friday, February 8, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (44) An Act respecting the Canada Central Railway Company.—(Hon. Mr. Kerr.)

## SPECIAL TRAINS ON THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired:

What is the name of the train despatcher of the Intercolonial Railway who, in consequence of a misunderstanding, according to the statement of the superintendent of that railway, took upon himself without any authority to have run, on the night of December 26-27 last, a special passenger train between St. Léonard Junction and Nicolet on the Intercolonial Railway ?

What are the explanations which this despatcher gave or can offer to the superintendent for having so acted in violation of the regulations of the Intercolonial Railway ?

At what hour did this special passenger train—to which the answer given to this House on January 30 last by the government relates—leave Nicolet ?

At what hour did it arrive at St. Léonard ?

At what hour did it leave St. Léonard again and at what hour did it arrive at Nicolet ?

Did another special passenger train run between Nicolet and St. Léonard and vice versa on December 27, 1906, the day of the election in the county of Nicolet ?

If this train did run, who asked for it, who authorized it, what was the number of trips that it made between these two localities and what were the hours of departure and arrival for each of these trips ?

What was the amount received for this train?

Hon. Mr. SCOTT—The instructions given over the 'phone to the train despatcher were, that he was to allow train 146 to proceed to Nicolet and not wait connections with train 153 at St. Léonard junction, on account of the latter train being one hour and fifty-six minutes late ; but to arrange for the branch train to return to St. Léonard junction for the passengers of train 150, if any. Owing to a misunderstanding of the said 'phone instructions, the special train referred to left Nicolet at 21.40 o'clock and arrived at St. Léonard at 22.40. It left St. Léonard again at 1 o'clock on the morning of the 27th, and arrived at Nicolet at 1.40. There was no other special train running between Nicolet and St. Léonard either way on December the 27th. On December the 29th, the day of the election, a pilot left St. Léonard on the arrival of train 150 for Nicolet and did regular work. It left St. Léonard junction at 11.55 o'clock and arrived at Nicolet at 12.45.

It may be added that the orders of the department are that no one is to be carried free, and no trains are to be run in connection with elections unless they are paid for as usual.

The department has no details of the December earnings.

Hon. Mr. LANDRY—That is not an answer to my question. I asked for the name of the despatcher.

Hon. Mr. SCOTT—I see he has not included it. I will endeavour to find out who the despatcher was.

## THE PRINTING OF PARLIAMENT.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to refer to a conversation across the floor yesterday in reference to Bills Nos. 12 and 42. The hon. gentleman from Stadacona had, I think, on at least two occasions, objected to their being proceeded with because they had not been printed in French, and I stated then I was quite sure that on inquiry the fault, if any, would be found to rest, not with the Bureau, which seemed to create a little merriment in the House, and some observations were made about the translators, but somewhere else. Those

two Bills came from the House of Commons on Wednesday, the 30th of January. They were, presumably, printed in French in the House of Commons, so the work of translating could not have been a very serious matter. About the time we were discussing it yesterday the French edition was sent to the Bureau. Dr. Dawson says, in answer to my telephone message, 'With regard to your questions, the Malone and Hopkins Point and the Eastern Townships Bills are both in the same state. The copy of both did not arrive until 3 p.m. to-day,' about the time we were discussing it. The copy was sent to the Bureau last night. The proof was returned this morning, and the Bills will be printed in French this afternoon.

Hon. Mr. LANDRY—We have not received them yet.

Hon. Mr. SCOTT—We could not; the proof was only sent to-day. They cannot print until some responsible officer certifies or signs off that the Bill is in proper shape to be finally printed. Sometimes they have to send two or three revises. In this case the final proof was only sent up last night and returned to-day, and is now being printed off.

### BILL INTRODUCED.

Bill (V) An Act respecting the Temiscouata Railway Company.—(Hon. Mr. Tessier.)

### SECOND READINGS.

Bill (Q) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Roy.)

Bill (30) An Act to incorporate the Women's Art Association of Canada.—(Hon. Mr. Kerr.)

### A SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (96) An Act granting to His Majesty a certain sum of money for the public service for the financial period ended March 31, 1907.

Hon. Mr. SCOTT—This is a Bill to meet Canada's contribution to the sufferers by the recent disaster in Jamaica. Part of the amount has already gone forward in the way of necessary supplies; the rest will be forwarded in cash. I move that rules 22, 24 and 63 be suspended as regards this Bill, and that it be read at length at the table. It is necessary that the Bill should be put through all its stages as quickly as possible and receive the Royal Assent.

The motion was agreed to, and the Bill was read the second and third time, and passed.

### BILLS ASSENTED TO.

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House :

'It is the Deputy Governor's desire that they attend him immediately in this House.'

Who being come with their Speaker, the following Bills were assented to :

'An Act respecting patents of William A. Damen.'

'An Act for granting to His Majesty certain sums of money for the public service of the financial period ending March 31, 1907, to which Bill I humbly request Your Honour's assent.'

The House of Commons then withdrew.

The Senate adjourned until February 19 at 3 p.m.

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## THE SENATE.

OTTAWA, Tuesday, February 19, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### FRENCH TRANSLATION OF REVISED STATUTES.

#### INQUIRY.

Hon. Mr. LANDRY called :

The attention of the government to the following declaration made on December 4, 1906, by the Honourable the Secretary of State in relation to the French version of the revised statutes, 1906 :—

'Hon. Mr. Scott—I understand they are making rapid progress with it (the French version). Additional translators are employed, and it is hoped it will be ready on the 1st of January.'

And will ask :—

The 1st January being now passed, is the French version of the revised statutes, 1906, ready ?

If not, when will it be ready ?
How many additional employees have been working at that French version ?
What are their names, and how many days have been employed at that work ?
When will the French version of the revised statutes, 1906, be ready ?

Hon. Mr. SCOTT—When I made the observation that rapid progress was being made with the French version, and additional translators were being employed, it conveyed, I think, what I meant to say, namely, that the translation was proceeding rapidly and would be finished some time in the beginning of January. I am correct in that. The translation was finished about the beginning of January. The French version is now being printed at the Bureau. Between 250 and 300 copies are already in type. It is quite impossible that it can proceed at a very rapid rate, because the proof-reading necessarily will be confined to the expert, the gentleman who revised the translation, and, therefore, it will be very difficult indeed to print off rapidly. The printing might be done much more quickly probably than proof-reading. I understand the proof-reading is proceeding as rapidly as one can fairly expect, but it must take some months yet before it can be completed. Hon. gentlemen must recollect that it means nearly 4,000 pages of matter that has to be got up with unusual care. It cannot be done in the slip-shod way in which ordinary printing is performed. It is the laws of the country, and even the expression of words has to be weighed and considered before finally settling on the proper words. That is the condition of it. Just as rapidly as the proof-reader and the printer can carry it out, it will be done, and no time will be lost.

Hon. Mr. LANDRY—The hon. gentleman has not answered my question. I asked how many employees are working on that translation ?

Hon. Mr. SCOTT—I have had nothing to do with the translating. When I spoke before, I understood that an additional man had been employed from Montreal ; but necessarily the translating must be in the hands ultimately of one person. One person only must be responsible for it ; you cannot divide it up. Even the English copy, revised by a number of gentlemen, must be finally revised by the Deputy Minister of Justice and, necessarily, work of that kind, particularly the French version, must be done under a gentleman who is capable.

Hon. Mr. LANDRY—I would ask the hon. gentleman to let this question stand.

Hon. Mr. SCOTT—It has stood twice already. I cannot give any more information. I have been absolutely frank, but I am not a prophet. I have represented all the difficulties in the way, and shown that every effort is being made to meet the views of the hon. gentleman.

Hon. Mr. LANDRY—I am very thankful for all the trouble the hon. gentleman has taken to answer my question, but had he read the motion I think he would have been able to give the information I want. I asked how many translators had been employed to do that work, and, without being a prophet, the hon. gentleman could have answered that question.

Hon. Mr. SCOTT—I did answer it.

Hon. Mr. LANDRY—When I asked the names the hon. gentleman might have given the names. If the information is available it should be given. The hon. gentleman either did not read my motion or he is not willing to give the information. I think the House is entitled to an answer to this question.

Hon. Mr. SCOTT—This is the third time the hon. gentleman has put this question. I answered the question in the beginning. I stated that an additional translator had been engaged from Montreal to help Mr. St. Louis. Mr. St. Louis must sign off the proof himself and be responsible.

Hon. Mr. LANDRY—If I had asked my hon. friend from de Lanaudière he could have given the name.

Hon. Mr. SCOTT—I do not know his name.

Hon. Mr. LANDRY—The hon. gentleman from de Lanaudière will be able to give all the information. Though he is not a member of the government, I think he wants to be. Although he is not a member of the government, he is able to give all the information asked for ; the government is not able.

Hon. Mr. SCOTT—I will make a special

inquiry to find out the gentleman's name. I am sure the hon. gentleman himself knows who it was, and it is just a puzzle for me. I understand it is a Mr. Antonio Perrault, an advocate of Montreal, who is the additional man.

Hon. Mr. LANDRY—I would ask the hon. gentleman from de Lanaudière to answer the other question as to the number of days he has been employed, and the salary paid, all things which are quite pertinent and which the government cannot answer.

Hon. Mr. CASGRAIN (de Lanaudière)—So far as the number of days they have worked is concerned, they have worked every day. The salary received by Mr. St. Louis will be shown in the Auditor General's Report.

Hon. Mr. LANDRY—I think this question should be allowed to stand, and the hon. gentleman from de Lanaudière will be kind enough to get the necessary information for to-morrow or the day after.

Hon. Mr. POIRIER—In the matter of the translation of our revised statutes from English to French I understand the difficulties in the way of the government. It is no easy matter to properly and perfectly translate the laws. In my opinion the translation of both versions should have proceeded together, so that the French translators might be in contact with the English officials preparing the revised edition. In that way, not only would the two versions perfectly agree, but even for elucidating some parts in the English version that needs must be obscure, the French translators having to translate from the English would detect some obscurities which will of necessity escape the notice of the English writers. In that manner the two versions would have been ready at the same time, and the French version would have been closer to the English text, and even the English text might have been made clearer. That has not been done. I am not prepared to find fault with anybody; I know the difficulties that stand in the way. That not having been done, I commend the government on having employed proper persons to translate our laws or proposing to have such persons.

The idea of having one person responsible is a good one; in my opinion the translation of our codified laws must be under the supervision of one who will have the responsibility of the whole work. I call the attention of the government to the fact that no one but a trained translator can do the work. No lawyer in the land, no writer in the land, even if he knows the English language better than the trained French translator, can do the work. If we wish to have the work properly done, we must give the job to a man who is fitted to do it, even if we have to pay well for it. Then we may very properly have a jurist from Montreal or some other place to go over the work and see, from a judicial and practical point of view, whether any errors have slipped in. If you desire to have a monument that can be regarded with respect by foreigners, from France—and splendid French scholars are to be found the world over,—we must employ a man who is competent to perform the work. The work should be homogenous, and should be performed by a trained man. In my opinion no one but a trained translator is competent to do it.

## FEDERAL AID TO CANADIAN NORTHERN RAILWAY.

### INQUIRY.

Hon. Mr. FERGUSON inquired:

1. At what point on the Canadian Northern Railway between Winnipeg and the northern boundary of Manitoba, did the federal aid in land begin to apply and where did it end?
2. Has the aid in land to the Canadian Northern Railway been given on that portion of their line to Prince Albert extending from the boundary of Manitoba to the Hudson bay junction, and if so, how many acres of land were given per mile for that portion of the railway in question?
3. How many miles of railway are there between the Manitoba boundary and the Hudson bay junction?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. The Canadian Northern Railway Company earned land subsidy by construction of its railway line from Beaver to Gladstone, Gladstone to Winnipegosis and Sifton Junction to provincial boundary, all in Manitoba.

2. Aid in land at the rate of 12,800 acres per mile has been granted to the Canadian Northern Railway Company on that portion

of the company's railway line to Prince Albert extending from the boundary of Manitoba to Erwood in Saskatchewan.

3. About thirty-two miles.

## FORMATION OF ICE BRIDGE AT CAP ROUGE.

### INQUIRY.

Hon. Mr. LANDRY inquired:

Has the steamer 'Montcalm' this year prevented the formation of an ice bridge on the River St. Lawrence, near Cap Rouge, and does the government know that its vessel has twice already just escaped being shut up in the ice, the accumulation of which, blocking the river in that locality, has thrown across a natural bridge between the two banks of the St. Lawrence ?

Does the Minister of Marine and Fisheries intend to renew, next year, experiences which up to this day have only resulted in the most complete failure ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. The 'Montcalm' prevented the formation of the ice bridge on the River St. Lawrence near Cap Rouge, this winter, until January 25, when in spite of every effort of that steamer the ice bridge formed.

The 'Montcalm' continued working, cutting from New Liverpool up to opposite Cap Rouge village, a distance of three miles, but owing to the immense thickness of the ice it was considered advisable to abandon further work.

This vessel was shut up in the ice two years ago but not during the present winter.

2. The experiences have not resulted in complete failure.

Although two years ago during a very severe winter, the ice bridge formed, the 'Montcalm' was able to open it up in the spring in time to prevent floods and to ensure navigation not being delayed.

Last year the 'Montcalm' was completely successful.

This year we hope that sufficient work may be done as soon as the ice becomes weakened, to open the bridge so that navigation will not be delayed, and that the loss and misery caused by flood will be prevented.

## EMPLOYMENT OF FOREIGNERS IN MILITIA SERVICE OF CANADA.

### MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a statement showing the names, christian names, age, and country of origin of all persons who, coming from the British Isles, from English colonies or from other foreign lands, as strangers to Canada, have been placed, whether by order in council, by decision of the Militia Council, or otherwise, in any branch whatsoever of the military service of Canada, in the permanent force or in the volunteer force, together with the date of each of these appointments, the nature of the employment, the rank of the holder (before and after his appointment), and the yearly amount which he receives for his services.

Hon. Sir RICHARD CARTWRIGHT—I call the attention of the hon. mover to the phraseology of his motion. He uses the words 'British isles, from British colonies, or from other foreign lands.' I think this House will not commit itself to describing the British colonies as 'other foreign lands'.

Hon. Mr. LANDRY—Expunge the word 'foreign'. It may go with Lord Dundonald.

Hon. Mr. SCOTT—The word 'other' will be struck out.

Hon. Mr. LANDRY—The hon. gentleman recognizes that Lord Dundonald was not a foreigner ?

Hon. Sir RICHARD CARTWRIGHT—I never described him as a foreigner.

Hon. Mr. LANDRY—The government did.

The motion as amended was agreed to.

## PURCHASE OF DREDGE 'GALVESTON.'

### INQUIRY.

Hon. Mr. LANDRY inquired :

When was the dredge 'Galveston' bought ? From whom and at what price ?

When and where was it delivered to the Canadian government ?

Was it employed at once in the deepening of the River St. Lawrence or was it necessary to cause it to undergo repairs or improvements that were thought necessary ?

When and where did those repairs take place ?

Of what nature were they ?

How long did they last, and how much did they cost ?

Who is in command of this dredge, and how many persons compose the crew, properly so-called, and the staff on board ?

How much did the keep of this dredge cost, as a daily average, during the last season, distinguishing from the ordinary cost of the work of this machine, and from its expenditure of coal, what the salaries of the crew has absorbed ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. April 20, 1906. Messrs. H. E. Moss & Co., ship brokers, Liverpool, England, £30,000 with interest to date of payment.

2. April 20, 1906. New Orleans, La., U.S.A.

3. The vessel was docked to fit her for the voyage to the St. Lawrence. The docking, repairs, and outfit at New Orleans, and wages to June 2, when she sailed, and supplies and wages to Quebec, all included, cost $10,942.14.

4. Captain Zéphirin Caron. The crew numbers 28, but there is no staff on board.

5. The cost cannot be made up complete until the close of the fiscal year.

The daily salaries of the crew amounted to an average of about $38.

## DEEPENING OF THE ST. LAWRENCE AT BEAUJEU BANK CHANNEL.

### INQUIRY

Hon. Mr. LANDRY inquired :

When did the dredge 'Galveston' commence to clean out and deepen the River St. Lawrence at the locality known under the name of the Beaujeu bank channel, opposite Crane island ?

What is the depth of the river at this place at ordinary low tide ?

Is there another channel to the south of the Beaujeu bank ?

What are its width, length and depth at ordinary low tide ?

For how many days during last summer and last autumn did the dredge 'Galveston' work ?

For what extent and to what depth has the Beaujeu bank channel been deepened, and how many cubic feet of earth have been taken away ?

Is the bottom of the river at this locality sandy, argillaceous, calcareous with or without boulders, and of what nature are the sedimentary deposits and shingle, if there are any ?

When does the government expect to finish the deepening of the river at this locality, the Beaujeu bank channel, and does it intend to supplement the 'Galveston' with an additional dredge ?

What is the name of the latter ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. August 11, 1906.

2. The original depth on Beaujeu bank at low tide was 21 feet.

3. Yes.

4. Width 1,500 feet, length 4 miles, depth 3 fathoms (18 feet).

5. 50 days.

6. 100,000 cubic yards were removed.

7. The bottom of the river is sandy and argillaceous, but not calcareous. There are some boulders. All the sand and clay is a sedimentary deposit. Borings did not reach the bottom of the sand and soft clay.

8. The work will be completed as soon as possible. A second dredge is being constructed at Sorel for this work.

9. 'Beaujeu' or 'No. 8'.

## THE LATE SENATOR HINGSTON.

The SPEAKER—Hon. gentlemen, It is with profound regret that I have to announce to the Senate the sudden death of one of our most esteemed colleagues. A telegram just received conveys the sad news of the demise of Sir William Hingston.

I was yesterday for an hour in the company of the late senator, who seemed to be in good health and in his usual good spirit.

The country mourns the loss of one of its best, its truest and most valuable citizens. He shed lustre on his profession. His name and reputation were known beyond the seas. He was beloved by all for his many virtues and his ideal christian spirit.

A good friend and wise counsellor has gone. We had met at the threshold of my life and our contact had never ceased. As he departs this world it is my sad duty and my privilege to bid an official farewell to one who welcomed me into this life.

Our sympathies go forth to his family in their bereavement.

Hon. Mr. SCOTT—I am sure I speak the views of every hon. gentleman present, when I say we all heartily concur in the very beautiful tribute just read by the Speaker, on the death of our distinguished friend the late Sir William Hingston. It was, I am sure, a great shock to every member of this body, as it was to myself, when at about the hour of twelve o'clock to-day the wires communicated to us the sad intelligence that our friend was no more. It seemed hard to realize that one of our colleagues who sat at one of the desks within my view, just before the adjournment, should now be in the other world. Although in his 78th year, he had a well preserved constitution, and it seemed that there was a long future still open to him. His life had been well cared for. He did not seem to be affected by any malady, and

for that reason the shock was all the more severe. His death reminds us of the saying of Burke 'What shadows we are and what shadows we pursue.' Certainly no one would have anticipated the death of Sir William Hingston when they saw him in his seat the day before the adjournment of this House. As has been observed by the Speaker, he stood in the first rank of his profession. He might be called, so far as the medical profession is concerned, a citizen of the world, having held diplomas not only in the mother country, but in France, Austria, Germany and many other parts of Europe. We all remember his carefully worded addresses in the Chamber when he spoke. It was no expression of hasty judgment. He deliberated on what he proposed to submit to us, and his words were, I might say, always full of wisdom. To myself his death is a very great loss. I had, like many other senators probably, a personal attachment to Sir William Hingston. He was a very loveable man. All we can do now is to tender our deepest sympathy to a sorrowing wife and to his children who loved their father so deeply.

Hon. Mr. LOUGHEED—I am sure that every member of the Senate will fully agree in the remarks which have been made by the hon. leader of the government with reference to the death of our late colleague Sir William Hingston. The sentiments which he has so very fitly expressed in so sympathetic a manner, I am sure, will be the sentiments of every hon. member present. Death is always sad, sad when it comes to those whom for some time it may have made its imprint, but particularly sad when it suddenly extinguishes a life that gives promise of future years of usefulness and service. Few men were better known in Canada than the late Sir William Hingston. Few have been more closely associated with the interests of the metropolitan city of Canada, Montreal, than our late colleague. There was scarcely a phase of the life of that city with which he was not prominently identified. In its civic, its social, its professional, and its religious life, Sir William Hingston was ever found occupying a very prominent position. In the religious and benevolent institutions of that city, he stood in the foremost rank as one of the most useful and sincere members. In the professional and in the scientific life of that great city, he occupied an advanced position. In the financial interests not only of Montreal but of Canada he always occupied a most commanding place. For many years he was closely identified with the municipal institutions of Montreal, and the people of that city, as evidence of their appreciation of his ability and worth, elected him to the office of chief magistrate, the duties of which he discharged with the sagacity, ability, and dignity which few others have manifested. For many years he was a prominent member of this Chamber, and I am satisfied that the Senate of Canada has sustained a very severe loss through his death. His experience in the many public interests with which he was connected, his counsel, his dignity, his affability, his uniform kindness, his courtly bearing to all, could be equaled by few, and I am sure that these particular characteristics will be remembered and missed by those of us who for many years have had the good fortune to be associated with him. Every member of the Senate will agree with me when I say that the parliament of Canada, through the death of Sir William Hingston, loses one of its most worthy and esteemed members.

Hon. Mr. CLORAN—I feel sure that this honourable House will bear with me for a moment while I attempt to lay a flower of gratitude upon the cold brow of our departed colleague. Dr. Hingston has been known to me since my babyhood and into manhood. He has saved me from many a physicial pain, and from death about four years ago. He has saved and prolonged the lives of many members of my family, and it was with a great deal of feeling that I heard to-day he is no longer on earth. His body is, but his spirit is gone. I have known him now fully 50 years, since I was a baby, and have always known him to be a man of constant kindness, a man who has during the past half century played a role which does credit not only to the city and the province from which he came, and in which he died, but to the Dominion at large. His role has been a notable one from every point of view. It has been to show to this country what a devout christian can be and can do; what a noble citizen can do for his fellow man,

and what a conscientious scientist can do in the face of the divine ideal. Sir William Hingston has gone to his grave with the tears of thousands shed over his bier today. He was a friend of the poor, of the lame, and the halt. He was the friend of one of the largest charitable institutions on this continent, probably in the world. He was the soul of that famous institution, nay the life of Hotel Dieu, Montreal, which cares for the poor, for the maimed, for the diseased and for the suffering. For the past half century and more, he has given all his services, as man, as medical practitioner, as scientist, free of charge. He was beloved, I may say adored, by all those who came in contact with him suffering. They had confidence in his skill and conscientiousness, and that is why I say he was a living example of a devout christian, of a citizen who had every trait of nobility in his character, and of a scientist who was not afraid, as others are, to admit that science can advance and prosper, and man can work out the enigmas of nature without refusing to believe that there is a Supreme Being guiding this world. Sir William Hingston has left behind him foot-prints which will last, which are impressed not in sand, but in the hearts of his fellow countrymen, which will remain in the pages of our history as those of a citizen without a superior, and I may say without an equal. His sun has suddenly set, but it has set behind a mountain of noble deeds and bright example, and I quite agree with the hon. Speaker of this House when he says this country has lost an illustrious citizen, one in every sense of the word, whom the poor deplore, one whom science regrets, one of whom the citizens will say would that we had more to give honour and dignity to this Canada of ours.

Hon. Mr. SULLIVAN—I take this opportunity of addressing a few words to this honourable House, because I am a member of the profession to which the hon. senator belonged, and because I am intimate with his history, professional and public, for the last forty years. I am sure that hon. gentlemen share with me the sudden and painful surprise which the announcement of his death has occasioned. He left this House on the previous meeting apparently in his usual health, erect and dignified as formerly, and no one anticipated that such a sad event was to occur. The records of this Senate are full of the names of noble men, of men who have won fame and honour on the political field, of men who have won fame and honour in other walks of life ; but probably there are not so many of those who were honoured for their deeds in professional and other life with equal benefit to their countrymen, as well as political. In the discussions we have had about the uses of the Senate, among other uses suggested was this, that from time to time citizens who have done honour to the country by their intellectual power or their achievements in the arts and sciences, who had shed a lustre on their country and been beneficial to their fellow citizens, might be called on, as the House of Lords is honoured by the presence of Lord Kelvin and others. If any man representing this class were to be placed in the Senate, there was no mistake made when Sir William Hingston was appointed. The circumstances under which he was called to the Senate I have nothing to do with, but I say the gentlemen who appointed him have reason to be proud of their choice, for no more honoured name is on the records of this House than that of Sir William Hingston. I only wish to speak now of his great merits as a physician and surgeon. He occupied the highest rank in the profession and was looked up to in every scientific treatment. His opinion was listened to with the greatest respect and his efforts on behalf of science were of the greatest value. He was honoured not only in this country but in the United States. There, at the conventions of the highest bodies of the medical profession, he always received the highest honours they could confer. The medical and surgical professions of Great Britain invited him to address them on the important subject of surgery at one of its open meetings. He obtained also the highest honour that a member of the medical profession can receive, namely, a fellowship in the Royal College of Surgeons in England. He had obtained other honorary degrees, but these only serve to show that his fame was not confined to his own country, but had spread into other lands. I think that he was worthy of all these honours. No man wore them with

greater dignity and more to the gratification and satisfaction of his countrymen than he did. His honours now are not of much avail to him; his fellowships and doctors of cannon law and doctors of literature can be of no benefit to him, but they will be a benefit and honour to his family. What will be an honour and benefit to him will be the thousands of patients whom he attended. The thousands of poor people whose wants he listened to, and whose diseases he alleviated or relieved. They are the only degrees that he may look for now, and these are the only ones that will be of benefit to him. He has these in abundance, and we need not, therefore, be any way doubtful as to what his future will be. In the announcement which the housekeeper made to me of his sad death, he mentioned to me one panegyric which was more comprehensive than any I heard. It was 'From the crown of his head to his toes he was a gentleman.' That word 'gentleman' applied in its truest sense to him—in the sense of the unselfish man, a man who values his own honour and character, who takes every possible precaution not to see it sullied, and who resents in the most prompt and determined manner any insult. At the same time, he was ever willing to grant to others the rights which belonged to them, always willing to assist the humble and those in want. Sir William Hingston possessed those qualities without any modification or qualification whatever. He was a gentleman in the fullest sense of the word, and I trust that the great gifts which he possessed, and which were so honourable to him, will be as nothing compared with the reward which we are sure he will attain—which he has already attained to in a better world.

Hon. Mr. FERGUSON—I do not usually rise on an occasion of this kind, but I feel impelled to add a word, not in the way of eulogy of our late lamented colleague's career—that has been so well and ably treated by the hon. gentlemen who have proceeded me—but to say a word with reference to his demeanour and conduct and service in this House. I have heard him on many occasions make speeches that were well prepared and thoroughly thought out, and have no hesitation in saying that any one who will go back through our debates and read these speeches will find them well worthy of perusal and well worthy of re-persusal. A short time ago he mentioned to me that he contemplated making a speech on a suitable occasion in this House with regard to the maintenance of dignity and decorum of the Senate. I know he had that speech prepared. He consulted me about delivering it in this House, I think, the second last day he was here, but it was considered that the day was not opportune and it was not delivered. I regret, as I am sure every hon. gnetlemen who hears me make the statement, does, that that speech was not delivered, because, coming from a man like Sir William Hingston, it would have been beneficial to every one of us. We have not heard that speech, but we have his example before us. We can remember that magnificent example during the time he was a member of the House and we will do well if we follow it.

## BILLS INTRODUCED.

Bill (13) An Act respecting La Compagnie du chemin de fer de Colonisation du Nord.—(Hon. Mr. Thibaudeau, De la Vallière.)

Bill (24) An Act respecting the Orford Mountain Railway Company.—(Hon. Mr. Mitchell.)

Bill (29) An Act to incorporate the National Accident and Guarantee Company of Canada.—(Hon. Mr. Coffey.)

Bill (37) An Act respecting the Royal Victoria Life Insurance Company.—(Hon. Mr. Forget.)

Bill (38) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Ross, Moosejaw.)

Bill (49) An Act respecting the Central Counties Railway Company.—(Hon. Mr. Edwards.)

Bill (52) An Act to confirm certain agreements between the British Columbian Electric Railway Company, Limited, the Canadian Pacific Railway Company, Lord Strathcona and Mount Royal and Richard B. Angus, and between the Canadian Pacific Railway Company, the British Columbia Electric Railway Company, Limited, the Vancouver and Lulu Island Railway Company, Lord Strathcona and Mount Royal and Richard B. Angus.—(Hon. Mr. Lougheed.))

Bill (53) An Act respecting the Dominion Fire Insurance Company.— (Hon. Mr. Davis.)

Bill (64) An Act to incorporate the Alsek and Yukon Railway Company.—(Hon. Mr. Ross, Moosejaw.)

Bill (65) An Act respecting the Annuity Company of Canada.—(Hon. Mr. Young.)

Bill (68) An Act to establish the Intercolonial and Prince Edward Island Railways Employees' Provident Fund.—(Hon. Sir Richard Cartwright.)

Bill (74) An Act respecting the Athabaska and Northern Railway Company.—(Hon. Mr Davis.)

Bill (W) An Act to incorporate the Travellers Indemnity Company of Canada.—(Hon. Mr. Edwards.)

## DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire of the hon. minister if he has an answer to give to the inquiry I made on Friday, February 8, regarding the name of the train despatcher of the Intercolonial Railway, who, in consequence of a misunderstanding, according to the statement of the superintendent took it upon himself, without any authority, to run on the night of December 26-27 last a special train from Nicolet to St. Honoré.

Hon. Mr. SCOTT—I sent over to the department, and they declined to give the name. They said it was an inadvertance on his part, and they did not think the name should be made public.

Hon. Mr. LANDRY—Could they give the explanations which he offered to the superintendent for having acted in violation of the law ?

Hon. Mr. SCOTT—I think I stated when the question was first asked that it was an error of judgment, a misapprehension. Those things will occur sometimes, even with the most perfect men. I do not think there is anything further that I can say to the hon. gentleman in regard to the matter.

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to ask my hon. friend, the leader of the House, what information he is able to furnish with reference to the re-establishment of telegraphic communication between Prince Edward Island and the mainland ? When I last interrogated the hon. gentleman on this subject, he gave us an assurance that this service would be completed by last Saturday week. The latest advice I have from the province is that it is not yet completed. I understand that in another place, last evening, a minister made a statement to the effect that the province had communication by the Marconi system on the steamer all through the time complained of. That statement is incorrect, and it is deplorable, I think, that the department more particularly affected should not have more correct information on the question. No commercial messages were transmitted up to one week ago. There is a notice given on the 12th of this month, that up to the time the tower is erected in Pictou to correspond with the tower on the island, at Cape Bear, and while a steamer is in the port of Pictou, commercial messages will pass through the steamers ; but as it is the fate of the steamer to be out all day, leaving at daylight, and remaining out most of the day and sometimes even through the night, hon. gentlemen can see what the value of this communication is. It is absolutely of no value. Had the government listened to my advice a year or two years ago they would have provided Marconi towers on both sides of the strait for the use of the steamers. If that had been done, there would now have been no difficulty ; but even without that, the erection of a tower, if it had been energetically and earnestly taken up by the government, need not have taken ten days. But as the matter stands, since the 5th of January one hundred thousand people have been left without telegraphic communication from the mainland and none of the promises and assurances made to us by the government with regard to it, have been carried out.

Hon. Mr. SCOTT—I certainly received a note from the department informing me that the tower was finished and that messages were passing. I received a note from Mr. Gourdeau some days ago—I am sorry I did not bring it here, I thought it was not open

to controversy—stating that the towers were completed and that messages were passing, and that the company were working its cable on the line between Cape Bear and Murray Harbour. He sent me a message that he had received from the inspector, in which the inspector said he had remained there for the purpose of seeing it perfected. It is very extraordinary that that information should have been given me if it is not correct.

Hon. Mr. FERGUSON—The hon. gentleman will be greatly surprised to-morrow, if he learns that this information is not correct.

Hon. Mr. SCOTT—Certainly I will.

Hon. Mr. FERGUSON—I am not saying it is not correct. It may have happened within two days. I have had no telegraphic communication with the island on the subject, because I thought I could not communicate. That is why we have to speak with considerable doubt. If the department has had a message over the wires, that settles it, but until I know that, I must be excused if I entertain a doubt, that the communication exists.

## ERROR IN MINUTES.

Hon. Mr. CASGRAIN (de Lanaudière)—Before the Orders of the Day are called, I should like to draw the attention of the House to what appears to be an error in the Orders of the Day for to-day. I observe that one order has been omitted and placed on the paper for to-morrow. Referring to page 205 of the Minutes, hon. gentlemen will see that the order 'Resuming the adjourned debate on the motion of the Hon. Mr. Ferguson, as to the navigability of Hudson bay,' was fixed for Tuesday, February 19, and on the order paper for to-day it is set down for Wednesday the 20th. I do not know how this can be rectified.

Hon. Mr. LANDRY—It will come up to-morrow.

Hon. Mr. CASGRAIN—But it was fixed for to-day, as will be seen by reference to page 205.

Hon. Mr. LANDRY—It was fixed by motion for to-morrow.

Hon. Mr. CASGRAIN—I beg pardon. I made the motion myself, and I said I would resume the debate at the first meeting of the House after the adjournment. In view of that, I would ask this House, after we have finished the Orders of the Day, if they would be good enough to allow that debate to proceed.

Hon. Mr. POWER—My remembrance of what took place agrees with what the hon. gentleman from de Lanaudière has said.

The SPEAKER—The debate appears on the order paper for Wednesday, but I suppose, with the consent of the House, it can be taken up as the last order for to-day.

Hon. Mr. CASGRAIN—I move that it be placed on the Orders for to-day.

The motion was agreed to.

## DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I will ask the hon. minister who leads this House if he will be good enough to call the attention of the military authorities to a motion I made on the 3rd June last, that a humble address be presented to His Excellency the Governor General, praying for the correspondence between the hon. Prime Minister and myself, on the subject of the refusal of the Department of Militia to translate and cause to be published in French the militia regulations which were published in English in the 'Canada Gazette' on the 5th of May last. There was a correspondence between us and an address was passed by this House, ordering the production of that correspondence.

Hon. Mr. SCOTT—I will attend to the matter.

## THIRD READING.

Bill (47) An Act respecting the London and St. Clair Railway Company.—(Hon. Mr. Coffey.)

## BONAVENTURE AND GASPE TELEPHONE COMPANY BILL.

### SECOND READING.

Hon. Mr. POWER (in the absence of Hon. Mr. Fiset) moved the second reading Bill (R) An Act incorporating the Bonaventure and Gaspé Telephone Company, Limited.

Hon. Mr. LANDRY—I have no objections to the second reading of this Bill. I know it is printed in French, as the follow-

ing Bills which are marked on the order paper as not being printed in French are so printed. But I want to call the attention of this House to a remark made at the last sitting by the hon. Secretary of State as to the translators of Bills. He said at that time that the translators were behind in their work because a Bill that had been proposed for second reading here was not yet printed in French. Bills are of two natures. There are Bills originating in this House and Bills originating in the House of Commons. Bills originating in this House are translated by our own translators, but the Bills coming from the House of Commons do not come under the jurisdiction of the translators of this House. They are translated by the translators of the House of Commons, so that the remarks made by the hon. gentleman do not apply to the Bills originating in this House. In justice this distinction should be made, so that the responsibility may rest in the proper place.

Hon. Mr. SCOTT—I am unable to recall the particular Bill. I gave a memo of the particular Bill but I could not say from memory now what it was. If it was one from the other House, I withdraw my observation.

Hon. Mr. WILSON—I think we ought to have a full explanation of this Bill. It is far-reaching in its effects, and certainly requires some explanation. It embraces almost everything. While it appears to be a telephone Bill, it will embrace railroads, electric powers and various and sundry things, and I do think the promoter of the Bill ought to be here to explain why he comes to parliament with the request which he makes in this measure. We certainly ought not to allow it to pass without some explanation. There appears to be none. Perhaps my hon. friend from Stadacona (Hon. Mr. Landry) may be able to give us some explanation in reference to this Bill. It is certainly one that requires an explanation before it passes the second reading, because we should know on its second reading what the Bill embraces. What is the object in making a demand for a Bill of this kind ? I have no feeling in reference to it at all, but I do think we should know from the promoter or some one else, why this Bill is introduced.

Hon. Mr. LANDRY—I have only to say that I am not the father of the Bill and I will not recognize the child.

Hon. Mr. POWER—I am acting the part of a godfather to the Bill. I think that the criticism of the hon. gentleman from St. Thomas is a criticism which might be directed against every private Bill that passes this House, or that receives its second reading here. It has not been the practice, and it would be very inconvenient practice now, to discuss the merits of every private Bill in this House. The Railway Committee includes two-thirds of the members of the House, and the Bill which runs the gauntlet of the Railway Committee safely is generally not too objectionable a measure.

Hon. Mr. CASGRAIN (de Lanaudière)—The railway plan is before the committee.

Hon. Mr. POWER—And as far as I can gather, from a not very long perusal of the Bill, the hon. gentleman is wrong in saying that this Bill authorizes the company to build railways and that sort of thing ; on the contrary the Bill is rather more limited in its terms than a great many of these Bills are. Clause 10 gives the powers of the company which are to acquire, lease and operate electric lines, telephone, telegraph — nothing about railways — branch lines, machinery and plant. They are authorized to deal in electricity, to a certain extent, under clause 13, but that is a power which we give to all these companies, and I think the hon. gentleman would be perfectly safe in allowing this Bill to go before the large and independent Railway Committee. It is a Bill which has been drawn and introduced in our own House; and the committee will, therefore, have less hesitation in removing any objectionable features which may appear in it.

Hon. Mr. WILSON—With the permission of the House, I wish to say to my hon. friend from Halifax that the Bill does not authorize the construction of a railway ; it authorizes electricity to be used in every shape, form and manner, and if he had carefully gone over the Bill—I do not imagine he has—he would not have made the remarks he did in reference to it. I say

without hesitation, that if you read that Bill through you will find that it empowers the company to do almost anything they desire whether with electricity, or other motive power. We certainly ought to know the object of the Bill, and he has not given us any explanation as to why he moved the second reading of it. He says it will go before the Railway Committee, and there be threshed out by a majority of this House. Unfortunately, some of us do not belong to the Railway Committee, and, if we go in there, the first thing we will be told is that we do not belong to that committee, and that we have no right to offer amendments or suggestions.

Some hon. GENTLEMEN—No, no.

Hon. Mr. WILSON—I do say that until the hon. gentleman is prepared to give some explanation as to the object of the Bill, why it is introduced here, and to show whether it comes under the jurisdiction of the Dominion parliament or the jurisdiction of the local legislature, we should hesitate to pass it; and I am not aware that we in this House should wait until Bills have been considered by the committee on railways, private Bills or any other committee. We should be informed on the motion for second reading why we should endorse the principle of the Bill. I therefore offer the same objections that I stated to the House a few minutes ago.

Hon. Mr. POWER—If the House will permit me, the hon. gentleman can appear before the committee, and I can assure him the committee will be only too pleased—as we are always pleased,—to hear the hon. gentleman speak.

Hon. Mr. MACDONALD (P.E.I.)—As long as he does not vote.

Hon. Mr. POWER—And give every weight to what he says. This is simply a Bill to authorize a company to establish telephone and telegraph lines down in the Gaspé Peninsula. Surely the hon. gentleman does not wish to prevent the people of that region having facilities for using telephone and telegraph lines ?

Hon. Mr. WILSON—I do not want to prevent it. I merely want the hon. gentleman to explain the nature of the Bill, and the object of it.

Hon. Mr. POWER—That is the nature of the Bill, and in addition to that the company may acquire lands, and direct, use and manage works, machinery and plant for the generation, transmission and distribution of electrical and other energy; but there is no right given under the charter to build a railway.

Hon. Sir MACKENZIE BOWELL—I do not think the hon. gentleman from Halifax has interpreted the meaning of the language uttered by the hon. gentleman from St. Thomas. He did not indicate any desire, as I understood him, to oppose the Bill, but what he did ask was—which I think should be done in the case of every private Bill, and every Bill affecting the people generally —that on the second reading the principle of it should be discussed and explained to the House. It is all very well to say that the Committee on Railways, Telegraphs and Harbours will discuss and analyse the Bill fully. That is always done, but there is a large majority of the House who are not on the committee, and, consequently, though they would have a right to go to the committee and speak if they thought proper, they do not go, and they would know nothing of the contents of the Bill which they are called upon to vote for. I have called the attention of the Senate, on a number of occasions, to the necessity of having the character of a Bill explained to the House, particularly if it is an important measure, in order that gentlemen who are not on the committee, would have an opportunity of analysing the different clauses, and of knowing really what they are asked to legislate upon, and I hope that in the future that will be done. In the case of nearly every motion for the second reading of a Bill we have no explanation as to its character. And I repeat that those who are not on the committee, as a matter of course, know nothing of its contents. When the committee reports the Bill, as a rule, unless there are some very objectionable clauses in it, the House allows it to pass without any explanation at all, and if an objection is taken or an explanation asked, the answer is 'Oh the committee has fully considered that question, and there is no necessity for discussing it'. I repeat that in order that each senator should know

really what he is asked to do, when he is casting his vote, every private or public Bill, and particularly government Bills, should be fully explained before the second reading is passed.

Hon. Mr. CLORAN—I might point out to the hon. gentleman from Halifax that the title of the Bill is somewhat misleading. It is sought to incorporate the Bonaventure and Gaspé Telephone Company (Limited). According to the title, the rights of this company would be included in these two counties alone, if the title means anything; but if he looks at clause 10, he will find that that company has a right to go from New Brunswick to any part of the province of Quebec to acquire, buy, purchase land, obstruct streams, but not to such an extent as to impede navigation. This Bill, I think, is one which, like many others, should be left largely to be dealt with by the provincial legislature, who are in a better position to know what the province of Quebec wants than the members from Prince Edward Island or the Northwest Territories, and, further we have enough of these Bills down in Quebec already, without the Dominion parliament being made a handmaid to companies who are striving to monopolize all the water-powers and all the franchises of the province. What they cannot get through in Quebec they come up here and try to get from parliament, who are not posted on the position of matters, powers that should come from the provincial legislature, and I quite agree with the leader of the opposition that this is the proper time to discuss matters of this kind. The hon. gentleman from Halifax states that we can go before the Railway Committee and discuss these details, but the hon. gentleman must remember that those of us who are not members of that committee, are members of other committees, and have to attend to their business, whether it be the Divorce Committee, or Miscellaneous Private Bills Committee, or other committees. We cannot attend both at the same time, and sometimes they run together. There is another point which the hon. gentlemen from Belleville has suggested, that once a matter is settled in committee, and the committee reports to this House, it is a difficult matter to have the decision revoked; so that the point raised in this matter is well taken. This is the proper time to ferrit out what is in these Bills. This Bill now before us is simply provincial. It does not say it shall run solely in New Brunswick, but its main features are provincial, and before granting these private charters, it would be well to see that they do not come within the jurisdiction of the province.

Hon. Mr. LANDRY—I think the hon. gentleman from St. Thomas is perfectly right in asking an explanation of this Bill. I looked into it for a few moments and I found that while it carries a name which might properly indicate a provincial measure, yet it does work in two provinces, New Brunswick and Quebec, and if that be the case surely it is within the federal jurisdiction. The name is only the name given to the company, but we are not enlarging the name so as to mention all the privileges which the company would enjoy. The work that the company is to do will come under our jurisdiction.

Hon. Mr. CASGRAIN (de Lanaudière)—The particular discussion now going on with reference to this measure proves the necessity for sending such Bills to a committee, and those promoting the measure as well as the committee, can look at the map and see exactly where the railway they are dealing with is located. In a case like this, they would also have a map showing where the proposed telephones, and lines were going, and a glance at the map would enlighten the members more than a long discussion in this House. Perhaps some members do not know where Bonaventure is. I may ask the hon. gentleman from Victoria, for instance, if he could locate every county in British Columbia.

Hon. Mr. CLORAN—Pretty nearly.

Hon. Mr. CASGRAIN—It would be very difficult to discuss the project intelligently, without having before us counsel for the promoters and seeing the plans. It has been the practice of the Senate, ever since I can remember, and I think long before—and I think it is a wise practice—to permit all private Bills to go to the committee; therefore if any serious objections are made to the Bill, the explanations are given in the committee and when they are given every hon. member of this House can make any

objection he likes, and he has the benefit of having heard counsel for or against the Bill, having heard both parties, both the promoters and any opposition there may be to it, and with all that information before them, members are in a better position to discuss the Bill when it is reported from committee than they are with no information before them.

Hon. Mr. WILSON—All I can say, in reply to my hon. friend, is that I am perfectly well aware that the rules of the House provide that on the second reading the principle of the Bill should be affirmed and a full explanation should be offered. It is all very well to go before the committee after the measure has been explained by the gentleman who has charge of it. All I ask is an explanation of this Bill by those who understand it. My hon. friend says 'How do I know.' I have no map. Very likely I may be able to get at the meaning of the Bill without a map, but I do not think the railway committee would enlighten me very materially if it does not offer more suggestions than some of the reports that emanate from that committee.

The motion was agreed to.

## SECOND READINGS.

Bill (S) An Act respecting the Accident and Guarantee Company of Canada, and to change its name to the Royal Accident and Guarantee Company of Canada.—(Hon. Mr. David.)

Bill (O) An Act respecting the Temiscouata Railway Company.—(Hon. Mr. Tessier.)

Bill (11) An Act to incorporate the Saskatchewan Valley and Hudson Bay Railway Company.—(Hon. Mr. Roy.)

## PATENTS OF NICHOLS COPPER COMPANY BILL.

### SECOND READING POSTPONED.

Hon. Mr. GIBSON (in the absence of Hon. Mr. Watson) moved the second reading of Bill (U) An Act to revive certain patents of the Nichols Copper Company.

Hon. Mr. FERGUSON—I think it is due to the House that we should have some explanation with regard to this Bill as well as others of the same character. The principle of reviving patents is, on the whole, inimical to the public interest, and when a Bill of so grave a character as this comes before us, from the very start it should be explained before it goes to the committee.

Hon. Mr. GIBSON—I am only moving this Bill as a matter of courtesy. I do not know anything about the merits of the Bill at all, and it had better stand until Senator Watson returns from the west. I therefore move that the order of the day be discharged, and that the Bill be placed on the orders for second reading for Thursday next.

The motion was agreed to, and the order was postponed until Thursday.

## INSPECTION OF ELECTRICITY BILL.

### SECOND READING POSTPONED.

The Order of the Day being called, second reading Bill (P) An Act respecting the inspection of electricity.

Hon. Mr. SCOTT said: This Bill is drafted on the laws that stood before the recent revision of the statutes. It is necessary of course that in the references to all Bills passed this session it should be to the statutes of 1906. I therefore move that this order be discharged, and that the Bill be placed on the order paper for second reading for Friday next.

The motion was agreed to.

## COLD STORAGE WAREHOUSES BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (20) An Act to encourage the establishment of Cold Storage Warehouses for the preservation of perishable food products. He said: It will be generally admitted that the introduction of cold storage in Canada has been of immense benefit to the people of this country wherever they have had the opportunity of securing it. Cold storage houses now exist in nearly all the large centres of population. They are not distributed as universally as is desirable, and the object of this Bill is to encourage the construction of cold storage warehouses in country places, and in towns and villages where they do not now exist, the government advancing one-third of the cost and securing control of the rates to be charged.

The buildings are, of course, to be inspected and to be in accordance with the requirements and regulations of the department.

Hon. Mr. LOUGHEED—What effect will this Bill have on existing cold storage houses ? Does the subsidy extend to those?

Hon. Mr. SCOTT—They will not be erected where there are cold storage warehouses now.

Hon. Mr. LOUGHEED—What about the existing cold storage warehouses?

Hon. Mr. SCOTT—They have already been enjoying the advantages of business. They are regarded as profitable.

Hon. Mr. LOUGHEED—If so, why give 30 per cent to an industry which has already advantages?

Hon. Mr. SCOTT—In smaller places they must be induced to take them up. There is not the capital. This is a liberal offer to assist in the construction.

Hon. Mr. FERGUSON—What change does this make in our law with reference to cold storage ? We have already had legislation on this subject. Chapter 7 of the Act of 1897, intitulated 'An Act respecting cold storage on steamships from Canada to the United States and in certain cities of Canada', is to be repealed by clause 10 of this Bill. In what particulars does this Bill differ from the Act in existence ? I should like my hon. friend to tell us what provision is made—there does not appear to be any in this Bill—to take the place of the provision with regard to cold storage on steamships which is being repealed ? Is it proposed to abandon all control of or interest in cold storage on steamships ?

Hon. Mr. SCOTT—Before I commit myself to the actual facts, I should like to allow that part of the Bill to stand until we are in committee. I understood that the contracts with the steamship companies were terminable. They were made under agreements and, apparently, for only a limited time. There are just two clauses in the Act referring to the matter.

Hon. Mr. LOUGHEED—Is it not a continuing power ?

Hon. Mr. SCOTT—I think not, I will get the information from the Department of Agriculture before the next sitting of the House.

Hon. Mr. FERGUSON—There is surely somewhere in the laws, provision made with reference to cold storage on ocean steamships. The power of the government to make contracts with steamship companies for the purpose of establishing mechanical refrigeration on board ships may have ceased, but surely it is just as necessary to have inspection and examination of these cold storage appartments on board steamships as it is to have inspection of cold storage warehouses on land. They should certainly go hand in hand. It is very little use keeping a product in good condition until you deliver it at an ocean port, to be then destroyed by lack of proper preservation during the Atlantic voyage.

Hon. Mr. SCOTT—This has nothing whatever to do with cold storage on board steamships. It deals with cold storage on land. The provision in section 7 of the Act of 1897 was designed to encourage the introduction of cold storage on steamships. When they once provided cold storage on board vessels, and got a premium for doing so, it was not necessary to continue it.

Hon. Sir MACKENZIE BOWELL—The committee is the place to discuss these details.

The motion was agreed to, and the Bill read the second time.

## INSPECTION OF MEATS AND CANNED FOODS BILL.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (33) An Act respecting the inspection of meats and canned foods He said : The purpose of this Bill, which has already been pretty extensively discussed in the House of Commons, is to protect, as far as we possibly can, Canadian trade from any such disorders or conditions as have been found to prevail on the other side of the border. Hon. gentlemen are aware that a great deal of attention has been called within the last few months to the very unsanitary conditions which exist in many of the great packing houses in the United States. They are also probably aware that the exposure of the

bad conditions which prevailed there, led to very serious injury to American trade in canned meats. The government caused inspection to be made of most of the factories engaged in carrying on that business in the Dominion of Canada, and, I am glad to say that the results, as reported by the inspectors, show that far better and wholsomer conditions prevail in this country. Nevertheless, it was felt that in view of the attention that has been called to this matter, it was very desirable that a government inspection should be had, particularly of the animals before they were slaughtered, and before they were converted into canned products. This is the more necessary, because the Department of Agriculture, which introduced this Bill, have had advices that it is extremely probable that in several countries with which we carry on trade, and even Great Britain itself, inspection of this kind by the government will be demanded under penalty, and for that purpose this measure which is now in your hands is intended to provide. The chief purposes which it will attempt to carry out, will be careful inspection of all carcases of cattle, sheep, swine, goats, or poultry, before they are canned and in the event of any of these carcases or any canned meats prepared from them, proving imperfect, or having deteriorated, they will be marked by the inspectors as unfit Of course, the matter in its present stage is largely tentative, and it may be found necessary to extend it or to improve it by and by ; but in the first instance we hope, by appointing a reasonable number of officers, and by calling public attention to the extreme desirability of taking proper care in the preparation of these goods, that the Canadian trade may be preserved and indeed increased. The probability is, I suppose, that my hon. friend will prefer to discuss the various details in committee and, therefore, I content myself with this explanation in moving the second reading of the Bill.

Hon. Mr. SULLIVAN—Is it the purpose of the government to create a new bureau for inspection ? Because that will necessitate a chemical laboratory. There must be some chemical examination if they are going to carry out this inspection in its entirety. If it is confined to animals before they are slaughtered, there will be nothing of the kind required. Will the government take advantage of the laboratories they have, or intend to establish, or is it intended to inspect only the animals before they are slaughtered ?

Hon. Sir RICHARD CARTWRIGHT—The chief object of this Bill is the inspection of animals before they are slaughtered. However, as I have said, this Bill is, to a considerable degree, a tentative measure ; it will be enlarged as experience shows it to be required, and I have very little doubt that something such as my hon. friend appears to suggest will be added to it by and by. But the very first and most important purpose of the Bill is to avoid any risk of diseased animals being slaughtered, or diseased meat being canned in Canadian factories, which my hon. friend will see is extremely good as far as it goes. It may be expedient and desirable to go a good deal further, but, as this is a new departure, I suppose the Department of Agriculture wish to proceed by degrees. I think that they will have what my hon. friend calls a bureau—I suppose he means a department. I think they will have a sub-department, but I do not think they will create a separate branch for it, if that is what is in his mind, at present.

Hon. Mr. ROBERTSON—I am advised that clause 12 of this Bill is going to interfere very much with the canning of lobsters. The Dominion of Canada has now the great business in lobster canning almost to themselves, and causing the cans to be marked by the name of the packer will add a very great expense to the industry. They complain that it will in a great measure ruin their business. They have no objection at all to having the factories inspected thoroughly, but they do object to being compelled to have their cans marked. It will require the lobster packer to have new dies every year, changing the date, which will entail a very great expense, and as the continental lobster buyers wish to get the cans unlabelled in order that they may label them themselves, it will be an expense thrown upon our lobster packers which is not necessary.

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Minister of

Agriculture to the point my hon. friend has taken. This measure, as he knows, was pretty thoroughly threshed out in the lower House. He will understand that while the government are most anxious not to put our manufacturers to any unnecessary expense, still it is extremely important in the public interest that all reasonable precaution should be taken to ensure and preserve the good name, which, I am happy to say, Canadian canned goods have so far maintained. How far the provisions made here can be dispensed with, I am not in a position to say. I should have been disposed to think that it would be on the whole, bearing in mind the fact that canned goods of all sorts and kinds hailing from this continent are at a discount, particularly on the other side of the Atlantic, an advantage that the name and designation of the packer was placed on all these articles. My hon. friend, if I am not mistaken, will admit that a good many of these canned foods—fish products in particular—have become suspect in the public mind. I have noticed from time to time, and I have no doubt he also has noticed, that cases of ptomaine poisoning from the use of lobsters and salmon improperly prepared are not unknown even in this country, and while I am sure the government will give every possible consideration to any representations they may desire to make on this point, the public health must be the major consideration here.

Hon. Mr. ROBERTSON—That is perfectly right, and, as I said before, the lobster packers have no objection to having their factories thoroughly inspected and the work inspected as it goes along. What they object to is having to label the cans. It seems the name of the individual and the date on which the lobsters were packed, must be marked on the can. This will involve a great expense which will not be of any benefit, because the labels will be scraped off, particularly from the cans sold to continental firms.

Hon. Sir RICHARD CARTWRIGHT—The point my hon. friend takes does not go in any way to invalidate the principle of the Bill, and as the measure is one of very considerable importance, after the second reading I do not propose to proceed with it for some little time, in order that the House may have a full opportunity of considering the various provisions. We can debate it at length in the committee. I will take a note not only of the hon. gentleman's objection but of any other point that may occur to him.

Hon. Mr. ROBERTSON—What I wished was to have the words 'excepting lobsters, added to clause 10b, after the words 'preparation and packing.'

Hon. Sir RICHARD CARTWRIGHT—We have here some hon. gentlemen of the medical profession from whom I would like to hear, whether it would be quite safe to except lobsters ?

Hon. Mr POWER—I do not belong to the medical profession, but I most emphatically object to the position taken by the hon. medical gentleman from Prince Edward Island. I think it would be a great mistake to adopt the suggestion he makes. I have no doubt that he represents the sentiments of the people interested in the lobster packing business in Prince Edward Island, or in a certain section of the island, but I know that long ago it was the usual practice for the lobster packer to put his own label on each can, and I think that is the best practice.

Hon. Mr. LANDRY—I rise to a point of order. We should not discuss details now, we are not in committee. We will have no advantage from discussing it now. Let us deal with the principle of the Bill at this stage.

Hon. Mr. POWER—This is part of the principle.

Hon. Mr. LANDRY—Oh, no, the lobster is not the principle.

Hon. Mr. POWER—I should sit down at once only the hon. gentleman's objection came a little late. I was going to say that the label of the packer is the best guarantee the public can have that the goods are of the proper quality. No man who puts up any kind of edible will care to put it up in a condition unfit for food, if he knows that he has to put his own label on it; and I am surprised that the hon. gentleman says that these packers would be willing that every portion of the process from start to finish should be inspected. The hon. Minister of

Trade and Commerce, and other members of the House, must see that if every factory is to be under the eye of an inspector from beginning to end of the packing, you must have as many inspectors as there are factories in the country. I feel that the presence of that immense staff is quite unnecessary, that if you compel every packer to put his own label on—his name and the place where he resides—there is no necessity of having inspectors going to the factories at all, except, occasionally. I hope that when the hon. gentleman comes to consider the matter, he will see that he is really making an unreasonable request.

Hon. Mr. MACDONALD (P.E.I.)—The hon. gentleman does not quite understand the position as it is at present. He is speaking of the packing business as it was carried on some years ago. It is entirely different now. Those who can lobsters in our province and elsewhere do it in this way: They put them into the cans and are perfectly willing to put their label on the can and be responsible for what is in the can so far as the people of the Dominion are concerned, but our canned lobsters are not all consumed by the people of the Dominion; they are exported to Italy, Germany and other countries on the continent of Europe and the purchasers in those countries send their agents here and buy the lobsters from the factories. One of the conditions of purchase is that there shall be no label put on the can by the packer; but they stamp the cans with the name and label of the firm in Europe that purchases them. To compel our packers to put an embossed mark on each can, is to require them to do something which will not be of any benefit to them but, on the contrary, an injury and expense. The cans are made in very large quantities by persons whose business it is to manufacture cans for packers. These people would require to put on the cans the date, time and place of packing and if those stamped cans are not used within that season, they are useless for the following season. There should be some modification of that part of the Bill which applies to lobsters. The rest of the Bill is a very wise and practicable measure, but there is some difficulty in carrying out that part of it, and I know that it would be a serious disadvantage to the lobster packers of Prince Edward Island. I have not heard from all of them, but I know the principal ones are opposed to the Bill.

Hon. Mr. ROSS (Halifax)—I have made it my business to correspond with some of the prominent lobster packers, and I am anxious to hear from them to have an expression of their opinion about this Bill. There is an impression, and a wrong impression, that the packers label the tins. That may apply to the export of lobsters to the United States, but when you send lobsters to Great Britain and to the continent of Europe, they are not labelled at all. The cases are marked. The packer's name and the month of packing and all particulars are put on the case. Very often an exporter ships a thousand or more cases of lobsters by steamer to London. To compel him to label every tin would mean a large expense in labels and in the number of girls he would require to employ to put those labels on the tins. That is not the way it is done. The lobsters are sent in cases to the dealer, say in London, and that dealer sells them just according to what the cases represent. They examine a can here and there to ascertain if they are up to the standard, and then, perhaps, they are labelled before they go into consumption. Now as to inspection. I agree with the hon. senator from Halifax that it would be absurd to expect that an inspector would be appointed to every canning establishment to see what is going on. An inspector who visits an establishment has two things in view, first to see that undersized lobsters are not packed, and second that sick lobsters are not packed. He examines and finds everything going on nicely and goes to the next establishment 10 or 15 miles off. If you compel the lobster exporters to label every tin, you will impose an amount of expense on them that they will resent. I know something about lobster packing. I have had some experience in the business and I am having some experience in it now and I think it would be a terrible misfortune to compel these people to put all the particulars you mention on every tin. Put your particulars on every case and that is al that is necessary. That is all that is done now, and if you leave it pretty much as it is now it will be better. Perhaps we are doing too much tinkering in legislation of this kind.

Hon. Mr. FERGUSON—There is always some danger in legislating in a panic or when the country is under undue alarm about any subject. Now this measure has been suggested on account of the disclosures with reference to packed goods sent forward from Chicago and other parts of the United States, ; and I quite agree with the government that it was just the time when it was proper to look carefully into our position with regard to that class of goods. At the same time, I think we should observe all possible care in legislating under a stimulus of that kind that we do not act without that proper knowledge we should have with regard to how our legislation is going to effect some of the industries of our country. This Bill has come to us drafted by the Department of Agriculture, and I think hon. gentlemen will agree with me when I say that a measure dealing with the lobster fisheries should not come from that department. It should come from the Department of Marine and Fisheries, which department must have a great deal more knowledge of that question than it is possible for the Department of Agriculture to have. I am quite willing to admit that the present Minister of Agriculture has had a great deal of experience with similar legislation in regard to agricultural products, and that he is fairly well equipped for dealing with meats and fruits and things of that kind, but I do submit——

Hon. Sir RICHARD CARTWRIGHT—Would my hon. friend permit me to mention to him that it is expressly provided in the latter section of this Bill that the administration of it may be divided into parts.

Hon. Mr. FERGUSON—I know there is that provision with regard to the administration of the Act, but in the study of the question for the purpose of drafting and preparing this Bill, I submit, whatever expert knowledge there may be in the Department of Marine and Fisheries should have been consulted, and that the matter should not have been left in the hands of the Department of Agriculture alone.

Hon. Mr. POWER—What do these officers know about canned goods ?

Hon. Mr. FERGUSON—I might just as well say, what does the Minister of Agriculture know about canned goods ? I might say that the Hon. Mr. Fisher was once in his life a fairly good farmer, and knew about dairy cows and beef cows ; but what experience did that give him with reference to canning the meats of these animals ? But to resume the point that was engaging my attention, was that all these provisions should not be included in one general Bill. The Minister of Agriculture is generally fairly accurate and correct in his legislation with regard to agricultural subjects, but we have this experience with Bills emanating from that department more than from any other in the government, that they come to us perfect and that we are not supposed to do anything but admire. We are not supposed when a measure comes from the Department of Agriculture to exercise our own judgment on it at all. The hon. gentleman reminds me with regard to his Bills of a lady in Paris that Dr. Franklin met one time, who said to him, 'Doctor it is a very surprising thing that I never meet anybody who is always right except myself.' Now, as I said, the minister has had a good deal of experience in agricultural matters, and I am willing to give him the credit of having on the statute books some very good measures, with the assistance of this House. We have amended his measures not altogether according to his wish, but we have amended them nevertheless, and I do not think we have done them harm. The experience of the country has been that we improved them. But with regard to this Bill, and its affect on the lobster industry, the hon. gentlemen who have addressed the House, the hon. gentleman from Halifax (Hon. Mr. Ross), the hon. gentleman from Charlottetown (Hon. Mr. Macdonald), and I dare say the hon. gentleman from Montague (Hon. Mr. Robertson) know more about the details of it than I profess to know, but I have a great many letters on the question. I have letters from Halifax, the city from which my hon. friend (Mr. Power) comes. The very strongest expressions come from that place, and they tell me, and I think they tell me truly, that lobster packing business is in an excellent condition at present. Half a dozen or more years ago there was a great deal of difficulty and

trouble with regard to what they call bloated cans, no doubt caused by imperfect packing either in the can or in the goods. Something was wrong in the operation and the goods turned up on the other side of the Atlantic in a condition which they termed 'bloated.' We are glad to know that that trouble has nearly all passed away, and that lobsters, as far as the packing and the quality of the goods is concerned, have a good character on the markets to which they go, and the prices they realize are satisfactory. Would it not be advisable to leave well enough alone in a case of that kind, particularly when we find that all those engaged in the business protest against the change in the land; I have a good many letters objecting strongly to this legislation as it applies to that industry. Every packing industry or every branch of packing has peculiarities in the operations that belong to it. It turns out that the packing of lobsters has this peculiarity, that the trade has got into a certain shape from practically long years of operation and experience and that that shape is satisfactory. That being so, would it not be well to exercise some care and some caution before disturbing a state of things that is so satisfactory, where there is not alleged at the present time to be any abuse, and, at the instance of the Minister of Agriculture, pass a law dealing with the fisheries on a subject which many of us, including the minister, cannot possibly understand.

Hon. Mr. GIBSON—A great deal has been said by hon. members who have spoken against the Bill, about the cost of putting the labels on the cans. Others spoke about it having to be changed year after year. I think this Bill is in the interest of the trade of Canada, and in order that our good name be maintained, the word Canada should be put upon the labels of the tins. So far as the stamping of cans is concerned, the dies would be the only expense. With regard to what my hon. friend from Halifax (Hon. Mr. Ross) has said, I should like to take him to Mr. Swift's packing house in Chicago, where instead of a number of hands being required to place the labels on the cans, he would see it done by a machine, as fast as a young lady could feed it, and as fast as a hen could pick up grain. If there is any object at all in this Bill, it is to provide that any canned product shipped from Canada shall be a marketable article and should not go under any other name than that of the Dominion of Canada. My hon. friend from Charlottetown spoke about the management of the trade. The management of the trade takes away the honour of Canada from the fact that no Canadian label is put upon these cans, but a German or English label. Why? These men take the credit of doing the packing. They buy the product of Canada, label it as their own, and the trade of Canada is forgotten; yet the article inside of that can is neither German nor English, but the product of a province of the Dominion of Canada, Prince Edward Island. I was astonished to find my hon. friend from Montague (Hon. Mr. Robertson) who is always willing that the animals should be examined, that the geese and turkeys should be examined, also the goats, but he does not want us to touch the lobster. That is a peculiar trade by itself. The manufacturer is willing that his product should be examined. It is not necessary that an inspector should be required to stand over the men. They can adopt the same principle which is adopted by the British herring fishing industry. Thousands and tens of thousands of barrels are scattered along the quays of Scotland and England, and the British officer comes down and says 'open this barrel, and that barrel and the other barrel,' and if a certain proportion of the herring are not up to the standard, then the government officer refuses to put the full Crown brand on the herring, and the owners will not be able to ship. They will make them keep every barrel of them until they are properly culled. With such a restriction placed upon this industry, that the officer in charge, who knows the business he is called upon to inspect, can open any cans he wishes to, and coming at times unknown to the packer, will be the best security that the goods are honestly packed, because the packer will be afraid to be caught in a trap of that kind.

Hon. Sir RICHARD CARTWRIGHT—There does not appear to be any objection, as far as I can understand, to the principle of the Bill. The details, it seems to me, could be very well considered when we

go into committee. I may venture therefore to suggest to my hon. friends that we could read the Bill the second time now and have it considered in committee, at any reasonable time, say this day week, if my hon. friend opposite thinks that time would answer. Within that period, every hon. gentleman who is specially interested will be able to communicate with his constituents, and I can assure them that every consideration will be given to their representations. I am quite in accord with the hon. gentleman who spoke last, in thinking that this House cannot be better employed than in giving careful consideration to Bills of this description, which are in no sense or shape of a party character, and which are intended at any rate to promote the trade of this country, and to preserve the health of its people. I think the Senate is absolutely within its rights, and in fact it is one of those functions which it can in some respects discharge better than the other House, inasmuch as it has more time to bestow on these matters than they have, and I shall be very glad to receive any suggestions that the hon. gentlemen have to make as to the working of these particular clauses. Of course hon. gentlemen will understand that when objections are taken, that I must confer with the minister who introduced the Bill and who has given his best time and consideration to it, and I will also endeavour to have some of the experts from the Departments of Agriculture and Marine and Fisheries within call so that questions such as have been raised may be answered more readily than I can pretend to do without special technical knowledge. I presume that the House will have no objection, under those conditions, to permit the second reading of the measure without further discussion.

Hon. Mr. BERNIER—When the hon. gentleman speaks of sending the Bill to a committee, does he refer to the committee of the whole or to a select committee ?

Hon. Sir RICHARD CARTWRIGHT—It is a government Bill, and our custom has always been—and I think very properly—to refer such Bills to a Committee of the Whole.

Hon. Mr. BERNIER—Might I request that the government, on this occasion, should make an exception to that rule. The Bill has created alarm somewhere, and I am not going to find fault myself with the government, because I was one of the first to advocate the inspection of canned meats, especially by the government. But, as I have just said, alarm has been created somewhere by this measure. I hold in my hand some remarks which have been made on the subject, for instance the following :

> This is a very important point and unless they can afford an adequate protection the business will be killed.

I know it is not the practice to refer a government Bill to special committees but perhaps if this Bill were referred to one of the standing committees—

Hon. Sir RICHARD CARTWRIGHT—I am sorry to say I cannot agree to that. It is a government measure, and we must discuss it in a Committee of the Whole.

Hon. Mr. BERNIER—I was going to say that in sending the Bill before the committee, the parties interested and experts in these matters could be heard by the committee, but they cannot be heard here. In this case, perhaps the government might see its way clear to depart from its usual course. At least I make that suggestion, and my request is that it be sent to one of the committees.

Hon. Mr. LOUGHEED—I should like to point out without venturing any opinion on the question which has been discussed, that the arguments which have been advanced would be equally applicable to the abandonment of the same restrictions with reference to the salmon fisheries. Consequently this fact will have to be taken into consideration, that should the government entertain the representations which have already been made on behalf of the lobster fisheries, similar consideration would have to be given to an equally important industry in British Columbia, viz., the packing of salmon.

Hon. Mr. FERGUSON—That is, if they ask for it.

Hon. Mr. LOUGHEED—As far as the asking for it is concerned, I understand

that demand was made. It goes without saying, that a rigid inspection such as is proposed by this Bill, will meet with the disapproval of all the canneries. We have to presuppose that without discussing the merits of the Bill. A cannery or a packer or a manufacturer, on general principles, will object to the interference of government inspections. At the very threshold of the consideration of the Bill, you have to lay that down as a principle; consequently the mere fact of industries protesting against the government inspection it seems to me, should not be entitled to that weight which we are supposed to give to it.

Hon. Mr. BOSTOCK—I had not intended to say anything about this matter, but the hon. gentleman has raised the question about salmon. I do not think the salmon canneries have any objection to raise to the principle of this measure, but the question of putting labels on the cans will very materially affect their business, I think, because I know they have been in the habit of shipping large amounts of salmon unlabelled, and buyers in England and Germany have especially put that clause in contracts, that the salmon shall be sent unlabelled, and then they put their own labels on them when they get to England. I have known cases where they have occasionally had their own labels sent all the way from England to be placed on cans in British Columbia, so that if any alteration is made with reference to the lobster canneries, I think the same consideration shall be given to the salmon canneries in British Columbia.

Hon. Mr. ROBERTSON—I did not desire to provoke a discussion, I simply wished to draw the attention of the Minister of Trade and Commerce to this question that he might be prepared when we went into committee to discuss it and amend it if we can possibly get it amended. I do not wish to take him by surprise in the committee because I wanted him to be thoroughly prepared in this matter.

The motion was agreed to, and the Bill was read a second time.

## SECOND READINGS.

Bill (39) An Act respecting the Brockville, Westport and Northwestern Railway Company.—(Hon. Mr. Watson.)

Bill (45) An Act respecting the Athabaska Railway Company.—(Hon. Mr. Talbot.)

## EXTENSION OF THE INTERCOLONIAL RAILWAY BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (50):

An Act to amend an Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal.

He said: In 1890, when the Intercolonial Railway was extended to Montreal, a very elaborate agreement was made between the Crown and the Grand Trunk Railway in reference to the use of a part of this line from 40 miles south of Montreal and also the use of the station and various privileges. The original document was filed in the office of the Secretary of State. A mistake, either in copying it or in printing it, has occurred with regard to a number of words, none of them very material, but still it is important it should be an accurate copy, and it is for the purpose of correcting those mistakes. I will call attention to them when the Bill is in committee. Some of them are merely verbal and some not very important ones.

The motion was agreed to and the Bill was read the second time.

## HURON AND ONTARIO RAILWAY COMPANY BILL.

### SECOND READING.

Hon. Mr. GIBSON (in the absence of Hon. Mr. Mitchell) moved second reading:

Bill (55) An Act respecting the Huron and Ontario Railway Company.—Hon. Mr. Frost.

Hon. Mr. WILSON—I protest against this Bill being read a second time without some explanation from the mover. If the hon. gentleman will refer to the statutes, he will find that the Bill has been before the House for a long time, but the Act originally passed, as you will see by the Bill, was in 1896; then in 1903 it was re-entered, and in 1904 again, and last year it was again presented to the House. What do we find this Bill to be? I desire to raise my voice in protest against what is purely a local Bill, brought here for a charter from the Dominion, to deprive the municipalities of the

various constituencies of control over their own road. The original Bill as it was passed on the 23rd of April, 1896, reads in this way :

> Whereas a petition has been presented praying for the incorporation of a company to construct and operate the following lines of railway, and for such other purposes as hereinafter set forth, and it is expedient to grant the prayer of the petition, &c.
>
> Who are the incorporators ?
>
> 1. A. McKinnon Cameron, of Meaford; Josiah W. Curts, of Port Perry ; Albert E. Scanlon, of Bradford ; Henry J. Rolston, of Shelburne ; William Laidlaw, of Durham ; Henry Horton Miller, of Hanover; M. McNamara, of Walkerton ; John Green Murdock, of Lucknow ; W. R. Thompson, of Teeswater ; Norman McInnes, of Tiverton ; Andrew Malcolm, of Kincardine ; John M. Roberts and J. Reginald Shannon, both of Goderich ; Thorp Wright, of Flesherton ; and John Humbertson, of Ripley, all of the province of Ontario, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate, under the name of 'The Huron and Ontario Railway Company,' hereinafter called 'the company.'

They are all entirely and absolutely within the province of Ontario, and that Act passed, as I said before, in 1896. Now will the promotor of this Bill tell me that any of the work has been done upon this line ? Have they done anything in the last 10 or 11 years ? Nothing. It is nearly 11 years since this company was originally incorporated. The clause reads :

> The company may lay out, construct and operate lines of railway of the gauge of four feet eight and a half inches from a point in the town of Port Perry, in the county of Ontario, to the town of Kincardine, in the county of Bruce, connecting with the town of Uxbridge.

And it passes Newmarket, Beaton, Shelburne, Flesherton, Priceville, Durham and Kincardine. Will the hon. mover of this resolution tell me that any of these points are really outside of the province of Ontario ? We are having difficulty over this question of provincial rights at the present time, and I do not think it is just or fair to the province of Ontario. We ought not to assume the responsibility here of giving charters encroaching upon provincial rights. You will find later on they are asking for what? They are asking for power to assume control over various municipalities, the roads, the highways, and other local rights, as you will find by reading this Bill. I must admit that there is a declaration in the Bill that the undertaking hereby authorized is a work for the general advantage of Canada. Whilst that statement is made, I ask wherein is its truthfulness or correctness ? Is it for the general advantage of Canada, unless it is on the principle that all railroads are for the general advantage of Canada. I may say I do not wish in any way to interfere with the construction of railroads. I believe all railways are an advantage to Canada, but anything done by way of construction in the various municipalities, or in the provinces is for the general advantage of Canada and you might therefore just as well claim one thing as another under such a clause.

Now let us look at the Bill in its present shape.

It being Six o'clock the Speaker left the Chair.

## After Recess.

Hon. Mr. WILSON—When the House rose for recess I was trying to explain why I objected to the Bill under consideration. I contended that it was encroaching upon provincial rights. We ought all to feel anxious to prevent any encroachment on the powers of the provinces by the federal government. We can understand readily that it would cause a feeling of jealousy, and we know that such a feeling exists towards the Dominion in various provinces, on account of the Dominion assuming jurisdiction in certain matters which are within the provincial domain. Take, for instance, the various means by which companies are incorporated to produce electricity at Niagara and other points. It will not be long, if things go on as they have been going of late, before a conflict arises between the provinces and the Dominion. It is not to the interest of this country that any entangling alliances or any differences should exist between the federal and provincial authorities. I therefore contend that in allowing certain charters to encroach upon provincial rights we are doing a public injury. This Bill is advocated here on the ground that it is in the general interests of the Dominion. What do we find this Bill to be? The company was chartered in 1896. Has anything been done towards the construction of the line? It has been re-

newed several times, and why is this House asked to renew it for two years more? We know that there are such things as speculations in charters, and I think this is a Bill which should not be passed by this parliament. Section 14 of the original Act, passed in 1896, gives the company power to interfere with the various municipalities. They can enter upon roads and streets and take them out of the jurisdiction of the municipality and place them under the jurisdiction of the Dominion. Do the municipalities desire to have their rights legislated away by this parliament? We ought to try and protect provincial rights and not encroach upon the rights of the municipalities. This Bill gives the company absolute power, if their line should run near a water-power, to get possession of that power and exercise jurisdiction over it. Is there any necessity for such legislation? Will you tell me that just because they say their project is one for the general advantage of Canada, we should, therefore, place it on the statute-book of the Dominion? The time is not far distant when there must be some means to separate the powers of the various provinces from those of the Dominion. I hope my hon. friend who has moved the second reading of the Bill will explain to me why it is necessary that this legislation should be placed on the statute-book of the Dominion. The sooner we make up our minds to protect the rights of the provinces from encroachment by the federal power, the better it will be for the Dominion. We ought not to antagonize the provinces. We are the stronger power, and should yield rather than encroach.

Hon. Mr. MACDONALD (P.E.I.).—I agree with very much that has been so well advanced by the hon. gentleman from St. Thomas. Apart from what he has said, there is much in this Bill that requires to be looked into very carefully. The original charter was granted in 1896. It was renewed in 1903 and again in 1904 and in 1906. When application was made to this parliament so far back as 1896, and apparently nothing has been done from that day up to the present, we should know something more about the necessity for this legislation, and why the work has not been carried out as originally proposed. Another point which I am pleased to see was brought up by the hon. senator from St. Thomas is with respect to legislation that is being introduced now in so many Bills incorporating railway companies, that the roads they are to construct are for the general advantage of Canada. That is a phrase which is very much abused, and the government should see that it is eliminated from the statute or limited in such a way as to apply only to roads which really are for the general advantage of Canada, and extend from one province into another. As it is now, we have applications for roads ten to twenty miles in length, entirely within the province. But it is proposed to connect a short line of that kind with the Grand Trunk Railway or Canadian Pacific Railway and therefore, it must be for the general advantage of Canada according to the interpretation that is now given to the law, when the object of the promoters is simply to apply to parliament for a subsidy either of land or money. We have too many applications for roads which are really not for the general advantage of Canada in the sense in which that phrase was incorporated in the law in the first instance. I am glad this point has been brought up. I endeavoured to introduce it in one or two previous sessions, but no one appeared to take much notice of it. The government should take up the matter, and there should be some limitation of the broad view now taken which enables people to apply to parliament for charters without much idea of carrying out their projects. The promoter of this Bill should be in a position to give some reason for passing it. None has been given yet, and I see no reason for supporting it.

Hon. Mr. POWER—Unfortunately, the hon. gentleman who has charge of this Bill is not present, and it is unfair to proceed with the discussion in his absence. I therefore feel inclined to move that the debate be adjourned until Thursday next.

Hon. Mr. GIBSON—I trust the hon. gentleman will not press his motion because I have been in communication with the hon. member in whose name the Bill stands, within a very short time at his home, and I am sure we are all happy to learn that he is improving in health. He sent his regards to every member of the Senate, and is in hopes that by the middle of March he will

be able to resume his position in the House. As a matter of courtesy, I undertook to move the second reading of the Bill. I should like to call the attention of the House to one or two features——

Hon. Mr. POWER—It was with the object of closing the debate for the present that I rose to move the adjournment. If it is to be continued I ask to withdraw my motion.

Hon. Mr. GIBSON—I was asked by the hon. gentleman from St. Thomas to give some reason for proceeding with the Bill. One objection the hon. gentleman takes is that it is eleven years since this company got a charter, and it has been renewed three times since. If it was renewed two years ago I am astonished that my hon. friend from St. Thomas did not raise the objection he has made this afternoon. If he would closely scan the Bill he would see that it was a measure which should be granted by the parliament of Canada, because it has its termini at Sarnia and Windsor. We cannot legislate beyond the international boundary but we can grant permission to build to the boundary and connections can be made with railways in the State of Michigan. There is a good deal of force in what my hon. friend has said about renewing charters from time to time, but I would remind him of a company incorporated to carry out a very important project connected with his own city, that has been applying for renewals of its charter originally obtained in 1870. That company was incorporated for the construction of the Detroit river tunnel, and that work was only begun last year. So that this is not a new departure. It is simply asking what hundreds of railway companies have asked for; what the Canadian Pacific Railway, the Grand Trunk Railway and the Canadian Northern Railway ask for at every session of parliament—simply an extension of time. I thought, as a matter of courtesy, in the absence of our colleague that the hon. gentleman from St. Thomas would have withdrawn his objection. All other railways are treated in a liberal manner, and why exception should be taken to this particular road is something I cannot understand.

Hon. Mr. WILSON—Does it, or does it not, come within the jurisdiction of the province to charter a road to run to Windsor and Sarnia so long as no power is given to cross the international boundary?

Hon. Mr. GIBSON—My hon. friend knows as well as I do that we have no legislative authority beyond the bounds of our own country, and if this railway were to run from one point in the province to another point without connecting with railways in the United States, it has a right to apply to this House, and receive as it did in 1896 1903, 1905 and 1906, a renewal of its charter. I am not in a position to give reasons why the railway has not been built or to show how many miles of it are under construction. My hon. friend claims that this is encroaching not only on provincial rights, but on municipal rights. There never has been a railway built in Canada that did not encroach on local rights. The fact that the work is for the benefit of Canada gives a railway company the right to expropriate. My hon. friend is situated in the centre of a very large railway section. What would Canada be to-day, and what would the province of Ontario be were it not for the enterprise of the railways ? I have expressed myself time and again in this House as being a believer in free trade in railways. I go further than that and say that every railway should have its charter from the Dominion of Canada and then we would not have the dual supervision that we have now. However, that subject is not under discussion at present. I want to call the attention of the House to the fact that this railway has the right to come here and is entitled to the same fair consideration at the hands of this House as all other railways have had before.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. GIBSON moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. WILSON—One remark made by the hon. gentleman from St. Catharines conveyed the impression that I objected to the construction of railways. He said I ought to be the last person to take such a position as I live in a railway centre. I do not object to the construction of railroads, but what I did say was that this company had been incorporated eleven years ago and

has not done any work. They may perhaps be holding that charter for such a length of time that they have interfered with some other parties constructing a road in that section, and therefore my hon. friend from St. Catharines would really be the one to obstruct the building of railways. I am in favour of the construction of railways. I have never said I objected to railway construction, but I say there is a right and a wrong way of doing things, and that we ought not to do an injustice to the municipalities for the sake of getting a road built. My hon. friend is the one who objects to railway construction. If he could show me that this company after being incorporated for eleven years had even made a survey, or had gone to the Grand Trunk to sell its charter, it would be a different thing. He contends that this is a work that ought to come under the jurisdiction of the Dominion of Canada because the line runs to Windsor and Sarnia, but that is within the jurisdiction of the province of Ontario. The province could charter a dozen roads going to the boundary line, but not across the line. I therefore contend that he failed to make out a just cause why this Bill should pass. I shall not object to it any further, but I expect in two years time, if I should be alive and here, to find the same parties knocking at the door begging to get their charter extended that they may have another opportunity of peddling the charter around for two years longer.

The motion was agreed to.

## NATIONAL TRANSCONTINENTAL RAILWAY BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (86) An Act respecting the National Transcontinental Railway. He said: This is a short Bill of one clause, applying the Act which is found in the new Revised Statutes, chapter 98, an Act respecting the liability of His Majesty in public companies for labour used for the construction of public works. The provision is, if a contractor or sub-contractor fails to pay his men, that by filing a claim in the department, the minister will see that the contractor is forced to pay for any labour properly due. This is applying the same principle to the Natioanl Transcontinental Railway.

The motion was agreed to, and the Bill was read the second time.

## SECOND READINGS.

Bill (57) An Act respecting the St. Mary's and Western Ontario Railway Company.—(Hon. Mr. McMullen.)

Bill (12) An Act to incorporate the Malone and Hopkins Point Railway Company.—(Hon. Mr. Cloran.)

Bill (42) An Act to incorporate the Eastern Townships Railway Company.—(Hon. Mr. Mitchell.)

## NAVIGATION OF HUDSON BAY.

### DEBATE CONTINUED.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Ferguson:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency may be pleased to lay on the table of this House, copies of all reports and communications in possession of the government not already submitted to parliament, regarding the navigation of the Hudson's bay and the resources and climate of the territory contiguous thereto, also copies of all grants of fishing, mining and lumbering rights, given at any time, by the government, in the said bay and territory; also copies of all reports of surveys received by the government from either engineers, surveyors or geologists, on the feasibility of railway routes, connecting any existing or prospective railway with any port on Hudson bay or James bay; also a statement of grants of land or money which have been proposed, or asked for, in aid of such railways. Also, copies of all reports received by the government in relation to the establishment of lights or other aids to navigation of Hudson bay and Hudson straits, and also a statement showing what action, if any, has been taken by the government regarding the establishment of such aids to navigation. Hon. Mr. Casgrain de Lanaudière.

Hon. Mr. LANDRY—I think the hon. gentleman has not understood the Orders of the Day. The order is that the debate on this motion shall take place on Wednesday.

Hon. Mr. CASGRAIN—If the hon. gentleman looks at page 205 of the minutes, he will see that it was fixed for Tuesday, February 19.

Hon. Mr. LANDRY—I would call the attention of the hon. gentleman to another entry, where it says that on the motion of the Hon. Mr. Casgrain, the order of the House was fixed for Wednesday. I would

also call attention to the practice. Bourinot says at page 234 :

> The rule which requires a strict adherence to the order paper is absolutely necessary to prevent surprise. So rigorously is it enforced in the imperial parliament that even when it has been admitted that a day has been named by mistake and no one has objected to the appointment of an earlier day the change has not been permitted.

It is quite applicable to the case we are discussing now. The order of the House is that the discussion of the motion shall proceed on the 20th. There may be persons who are not here to-day who had made up their minds to speak on that motion on the 20th, so that no surprise could occur in the present instance, and we cannot proceed at an earlier day than the one fixed by order of the House. The hon. gentleman has no right to proceed to-day. Another additional reason is that he cannot make a motion without giving notice that he wants to change the order.

Hon. Mr. CASGRAIN—I do not want to change anything.

Hon. Mr. LANDRY—If he proceeds to-day it is a change of the order.

Hon. Mr. POWER—I do not think the hon. member for Stadacona is very serious when he lays so much stress on what appears in the minutes, because he has himself on more than one occasion discovered errors in the minutes. I do not know whether he was in at an earlier stage of to-day's proceedings, when the hon. senator from de Lanaudière brought the matter up. It was generally understood then in the House, that when we got to the end of the Orders of the Day, the hon. gentleman from de Lanaudière should proceed with his speech. I do not think that the hon. member wishes to hinder the hon. senator from de Lanaudière from speaking. I understand that the hon. gentleman is being called away by somewhat urgent business, and could not very well be present to-morrow, and any hon. member who wishes to reply to him by waiting till to-morrow, will have the unrevised version of his speech made to-day, and can more effectually demolish whatever the hon. member from de Lanaudière says. Under the circumstances, I hope my hon. friend will let the hon. senator from de Lanaudière make his speech now, and we can adjourn immediately afterwards.

Hon. Mr. LANDRY—The hon. gentleman tries to apply to me what applies properly to himself. He is the father of our rules, yet he does not want to adhere to them. Surely the hon. gentleman does not mean what he says? My object is, not to prevent the hon. member from de Lanaudière from speaking, but to protect the public. We have our rules, but if we are every day setting them aside, what will become of this House?

Hon. Mr. POWER—I think the House is quite safe under the protection of the hon. gentleman. He will see that we do not go too far astray.

Hon. Mr. LANDRY—We cannot be safe now, because when three of us were working in the same direction we had enough to do, and now the hon. gentleman from Halifax has deserted me.

The SPEAKER—Do I understand that the House will extend the courtesy of suspending the rule to allow the hon. senator from de Lanaudière to proceed with the discussion of the motion, with the understanding that the Order of the Day tomorrow will remain, that is to say, that the matter will stand on the Orders of the Day for to-morrow?

Hon. Mr. LANDRY—I think the better way would be for the hon. gentleman from de Lanaudière to hand over his speech to the reporters.

Hon. Mr. CASGRAIN—When I moved the adjournment of the debate, I moved that it be postponed to the next meeting after the adjournment. My hon. friend from Halifax and the Speaker, I am sure, will bear me out in that statement.

Hon. Mr. LANDRY—The hon. gentleman cannot stand against the written document. I was in the same position last year. I appealed to the minutes, and the decision was against me. His Honour the Speaker will remember that I was ruled out of order.

Hon. Mr. ELLIS—I am pretty much of the opinion of my hon. friend, that the debate was adjourned until to-day. I do not wish to question the written document. I suggest that the hon. gentleman from de Lanaudière be allowed to make his speech, and the debate can stand until to-morrow.

Hon. Mr. CASGRAIN—With the leave of the House——

Hon. Mr. LANDRY—I object.

Hon. Mr. CASGRAIN—Then we can move an adjournment and talk on anything we like. Before the Orders of the Day were called, I rose and directed attention to an error in our minutes, and it was the unanimous consent of the House then that this order would be taken up after the Orders of the Day as they appear in the minutes. I call upon the hon. leader of the opposition and the hon. leader of the government to say if that was not the understanding. To try now to upset that understanding is hardly fair.

Hon. Mr. LOUGHEED—In justice to what my hon. friend has said, I did understand in the earlier part of the session that the House consented to go on with the discussion this afternoon.

Hon. Mr. LANDRY—I will waive my objection if it is perfectly understood that it will not form a precedent even when an hon. gentleman wants to go away.

Mr. SPEAKER—I think it was my failure in putting the regular motion. As a matter of fact, the hon. gentleman is right. The House had agreed to proceed to-day.

Hon. Mr. CASGRAIN—Hon. gentlemen, I thank you, and I especially thank the hon. member from Stadacona, for the courtesy extended to me. I promise that this will not establish a precedent for as hon. gentlemen know I speak so seldom that it is not likely I shall abuse the privilege. I wish to congratulate the hon. member from Marshfield for bringing up this subject. The navigability of Hudson Bay is a question which interests every member of the Senate, and I wish to pay a special compliment to the hon. member from Marshfield on his industry. I think he can well be taken, especially by younger members, as an example. He works hard, in studying all the Bills ; he masters the geography of Canada, and he has gone so far as to use the terrestrial globe to ascertain the shortest possible distance between Churchill and Liverpool. If most of us would follow his example, there would be no doubt in the public mind as to the usefulness of the Senate. But having paid him that compliment, I am sorry I cannot arrive at the same conclusion that he has, as to the navigability of Hudson Bay. He takes what I think is a wrong basis when he speaks of a latitude as governing the climatic conditions of a country. He tells us, for instance, that the southern part of Hudson Bay is in the same latitude as Devonshire, England. That would lead to the assumption that the climate of the two places is somewhat similar. Churchill, he says, is in the same latitude as Scotland, but the isothermal lines are the proper criterion by which to ascertain climatic conditions. Quebec, for instance, is in the same latitude as Nice on the Mediterranean, and as Mentone, but no one who has lived in Quebec, and visited the Riviera would dream for a moment of comparing the climatic conditions of the two cities. There is an enormous difference.

Hon. Mr. LANDRY—In favour of Quebec.

Hon. Mr. CASGRAIN—In favour of Quebec for cold weather. To give an idea of the very cold climate of the southern part of Hudson bay, I may just point out that the same isothermal line that passes the most southern part of Hudson bay passes through Great Bear lake, thence north of Fort Macpherson and on to the mouth of the Mackenzie river in the Arctic ocean. This line on the east side of Hudson Bay would pass through the most northern part of Greenland. There is no place on earth, in the same latitude, colder than Hudson bay, with the exception perhaps of a few places in Siberia. The mere inspection of the terrestial globe showing the isothermal lines will prove what I say. For instance, Vancouver is in the same latitude as Lake Abitibi. When the hon. gentleman told us that the southern part of Hudson bay was in the same latitude as Devonshire, I thought for a moment he would have us believe that the temperature was somewhat the same. The intense cold of Hudson Bay so deflects the isothermal line south, that we feel its effect even here in the city of Ottawa. The fact that we are opposite the southern end of James bay deflects the isothermal line to such an extent that this same line passes Gaspé and the Straits of Belle Isle and strikes the most northern part of Norway, the land of the midnight sun. Hudson bay being such a cold region, there is a contour line around its shores for a distance of 200

miles, following almost the shape of the bay, within which there is hardly any vegetation. There is nothing but rocks and muskegs, and a few trees scattered along the shores of the rivers, and so far apart that it would not pay the lumberman to operate in that country. There is a little lumbering done along the rivers, where logs are cut and easily hauled to the rivers. But when that narrow fringe of timber is exhausted, it will not pay to lumber there. If you want to lumber there you would have to import all your supplies. You will have to build eight hundred miles of railway, to reach the shores of Hudson bay, and you would have to haul all your supplies and carry your men that distance, which would make lumbering operations very expensive. We have most of us read the report of the trip of the 'Neptune,' which has been widely quoted by my hon. friend from Marshfield, and also by my hon. friend from Halifax. If you will read that book carefully, you will find that the 'Neptune' met ice every month in the year, and that there were icebergs in the straits until the middle of August. To those who see icebergs from the deck of a steamer they may appear very beautiful but they are in reality exceedingly dangerous to navigation, because the visible part of the iceberg is only one-eleventh of its bulk. If you see an iceberg 70 or 80 feet high, it will draw 700 or 800 feet of water, and an iceberg drawing so much water is very often carried south by the strong southerly current while the surface ice may be driven by the wind in an opposite direction. The field ice may travel two or three miles an hour and when a iceberg going in an opposite direction meets it, it crashes through like a great battleship. Now, if a steamer not specially constructed to meet such conditions were caught in that ice, it would be crushed like an egg shell. There are no commercial steamers that could possibly live between an iceberg and field ice travelling in opposite directions, and so, ships navigating those waters must be specially constructed as was the 'Neptune.'

Hon. Mr. LANDRY—And specially equipped.

Hon. Mr. CASGRAIN—And specially equipped, too.

Hon. Mr. FERGUSON—What was her horse-power?

Hon. Mr. CASGRAIN—I cannot say from memory. The 'Neptune' was first sheeted with 4-inch British oak, then four inches of greenhart, and inside there was a lining of three inches, and between the outside lining and planking it was filled up with solid rock salt in order to preserve it and make it perfectly sound against any shock from the exterior. Those ships are made saucer-shape, so that when ice crushes them they are lifted bodily out of the water. Then the bow of the 'Neptune' was of solid timber, eight feet thick and sheeted with one inch of iron. The timbers inside are all placed cross-ways, and there is so much bracing, that it leaves very little space for cargo. My hon. friend knows perfectly well how those steamers are built. All who have seen the sealing ships leaving Newfoundland know how they are constructed. You can take only a very small cargo on such ships, and they are almost useless as freight carriers. When you get the necessary supplies on board—and you have to have an extra year's supply, because you are never sure when you enter Hudson bay that you will come out the same year—your ship's space is pretty well occupied. We all remember what a heavy cargo of supplies the 'Arctic' carried. I saw the 'Arctic' lying in the dock at Quebec, and there was not space to move about either on the deck or in the hold. I am glad to say, en passant, that none was wasted, and that what was not used was brought back. If the House will permit a slight digression, I will say that Hudson bay is pretty well known to Quebecers. In history we read that our ancestors thought nothing of snowshoeing from Montreal or Quebec to Hudson bay, and it may be of interest to know that Pierre Lemoine—an ancestor of the gentleman who was for a long time clerk of this Senate, and an ancestor also of our sergeant-at-arms—in 1685 left Montreal with his brother and a few valiant followers on an expedition to Hudson bay. They started on snowshoes and carried their ammunition and supplies with them. I do not suppose they carried tents, so they slept in the open, covered with the blankets they carried with them. They arrived at Hudson bay on the 20th June.

We would consider that a great exploit today. I wonder how many of our brave volunteers of the present age would undertake such a trip with any prospect of ever returning. I refer to this matter, because Mr. Low, in his report, has given an historical summary of the expeditions to Hudson bay, and as this is a public document, bearing the stamp of the government of Canada, the facts contained in it should be accurate. Mr. Low speaks of a large force accompanying Iberville, but the fact is that it was a very small party indeed. They arrived at Hudson bay on the 20th of June, and easily captured the forts along the bay. Then Iberville and his brother Maricourt, with nine men in two bark canoes, captured a warship which lay in the bay. They returned to Quebec in this ship in 1687, two years later, the ship laden with furs worth a king's ransom. In 1688, Iberville went back to Hudson bay, and believing peace had been restored between France and England, he sent back his ship again laden with furs, and kept with him fourteen men. Later, towards the fall, he found three warships in the bay so caught in the ice that the men could not come on shore and were obliged to remain imprisoned in their ships. In the spring of the year, the ice bridge still existing between the shore and the warships, they were powerless, and their crews were suffering from scurvy. Iberville, with his fourteen men, seized the three ships, the largest of which carried twenty-four guns. He was not able to man the captured vessels and so was obliged to sink two of them, preserving the largest, in which he returned to Quebec in 1689. Eight years after, in 1697, Iberville sailed from Newfoundland with several ships. These ships were caught between an iceberg on one side and drift ice on the other. One of the ships was lost in collision with the 'Pelican,' and another was so suddenly crushed by the ice that her crew had barely time to save themselves. That occurred in the Hudson straits, on the 28th of August, in the year 1697.

Hon. Mr. FERGUSON—What part of the Hudson bay strait? It is 500 miles long.

Hon. Mr. CASGRAIN—The 'Pelican' entered Hudson bay and on the 4th September arrived at Fort Nelson. There Iberville saw three ships which he ascertained were the English men-of-war 'Hampshire,' 52 guns; 'Deering,' 32 guns; and 'Hudson Bay,' 32 guns. Iberville, hero that he was, offered battle, and sailed for the largest prepared to board her. But the captain of the 'Hampshire' changed his course so as to avoid the encounter, and poured out a broadside which swept the decks of the 'Pelican.' The battle lasted three hours and a half. The 'Hampshire,' in delivering her broadside, presented her flank to the 'Pelican,' and the 'Pelican' so concentrated and directed her fire on the water line of her enemy as to tear a gaping hole in her side. The 'Hampshire,' in full sail, sank in her own length, and all on board perished. Then the 'Hudson Bay' surrendered when she saw the 'Hampshire' sink, and the 'Deering' sought safety in flight. Such a terrible snowstorm blew that night that at midnight, notwithstanding all the ability of Iberville as a navigator, both the 'Pelican' and the 'Hudson Bay' were driven ashore. The next day, the 5th of September, the storm had ceased, and while they were caring for the dead and wounded twenty of the men were frozen to death. That occurred in 1697, opposite Fort Nelson, in Hudson bay, and in view of such an inhospitable climate in September, I doubt if my hon. friend will declare that much navigation can be carried on with commercial success in these waters. I ask pardon for having recalled these facts, but as Mr. Low has related another story, I thought it my duty to make the truth known. Iberville wrote to the King of France that he was tired of taking Hudson bay. He asked for another mission, and Louis the XIV sent him to conquer the West Indies. Later on Iberville founded Louisiana, which for years remained an appanage of the French Crown.

Hon. Mr. POWER—Can the hon. gentleman give me a little light on this same subject he has been dealing with. Are there not statistics showing at what season the Hudson bay ships have been in the habit of coming into the bay and at what season they left?

Hon. Mr. CASGRAIN—I may say, offhand, that for the last 200 years the Hudson Bay Co's ships have reached Hudson

bay on the 2nd of September, on the average; of course, steamships would make better time.

Hon. Mr. FERGUSON—They only made one trip in a year.

Hon. Mr. CASGRAIN—The 'Adventure' was sent to Hudson bay waters by the present government, and she was specially built and equipped. She made just the one trip, and had to return with one-third of her cargo, not being able to land the balance. Had there been good wharfs and modern equipment at the different posts, doubtless she could have landed all her cargo. But the fact remains, that the 'Adventure' sent by this government could not land all her supplies, and had to come back in the month of October for fear of being caught by the ice.

As to the question of transportation, I may say that for the last few years I have given special attention to this matter, and I think I can demonstrate that the idea of my hon. friend from Marshfield is impracticable from a commercial point of view. He says that a railway from Regina to Fort Churchill, 800 miles, connecting with a line of steamers to Liverpool, is better than a dozen transcontinental railways. Let us see if that is not somewhat far-fetched. He admits there would be 800 miles of rail haul from Regina to Fort Nelson. This railway would have very little local traffic for the 200 miles contiguous to the shores of Hudson bay, and there would also be very little local traffic for some considerable distance beyond that. The traffic would have to be done during a period of three or four months.

Hon. Mr. TALBOT—Do I understand the hon. gentleman to say that that route could be used only during three to four months?

Hon. Mr. CASGRAIN—No, I say the freight would be carried by water during three months. The navigation in the bay would be open for three months, but giving the ships additional time—that is giving them the benefit of the trip going west and of the return trip going east—you might make it four months from the time the ships first left England until it returned.

Hon. Mr. TALBOT—Will the hon. gentleman explain why it would not be as well to have elevators at Fort Churchill as at Fort William?

Hon. Mr. CASGRAIN—There is no railway running there. The vessels would not take cargo there when they would have a perfectly safe route via Lake Superior. I may say these steamers would have to charge enormous rates, because I take it you could not get any insurance on them, and insurance governs navigation. Why are freight rates much higher from the St. Lawrence than from New York, or other United States ports? It is because the marine underwriters will not give the same rates of insurance to ships going to Montreal and Quebec as they will to Portland, Boston or New York. The insurance rates govern the freight rates. I ask the hon. gentleman from Marshfield if he will say they could get insurance on an ordinarily constructed ship to navigate those straits for three or four months? Or, if it did get insurance—because I understand in London you can get insurance on almost anything if you pay the rate—up goes the freight rate and there would be no advantage in the route. I do not think a high class railway like the Transcontinental should be built to Hudson bay. But there is no objection to the construction of a pioneer railway, and I believe we will see, in the near future, one or two such railroads going to Hudson bay, not for the purpose of carrying wheat to England but more for the purpose of freighting out fresh fish and the minerals that may be found in that country. I do not want it understood that I am against the construction of a railway to Hudson Bay, but I would be very chary about taking stock in such a railway.

Hon. Mr. FERGUSON—Why should you be willing to build a railway to that place, if the people would all perish up there?

Hon. Mr. CASGRAIN—I said I would not take stock in such a railway. I believe there is an application before parliament for a charter to build to Port Churchill, I would have no fault to find with such a road, but I do not think it would pay for some time to come.

Hon. Mr. FERGUSON—My hon. friend spoke of a dozen transcontinental rail-

ways, what I said was half a dozen transcontinental railways. I spoke of the main line in Northern Ontario and Quebec, not of the road down to Lake Superior.

Hon. Mr. CASGRAIN—I accept my hon. friend's correction. My hon. friend also said that I had declared some three or four years ago, when speaking on the Transcontinental Railway, that the distance was 1,350 miles from Winnipeg to Quebec, and that I am now quite willing to admit that I had made a mistake. I was not correct, but I think my hon. friend will pardon me when I tell him the extent of my mistake. The line has actually been located, chained, and surveyed, from the abutment on the Quebec bridge to the city of Winnipeg, and as any one can verify by simply making the inquiry from the Transcontinental Railway Commission, the distance is 1,349½ miles. I am quite willing to say I made a mistake. The actual chainage is 1,349½ miles, and so I was out half a mile. I hope the hon. gentleman will forgive me. I ask pardon for that error. My hon. friend has spoken of the book issued by Mr. Charlton and said that Mr. Charlton did not dare repeat in the book in which he published his speeches the statement he made in the House of Commons, that wheat could be carried from Winnipeg to Quebec for six cents per bushel. My hon. friend said that Mr. Charlton was too modest to repeat that statement in his published book, and that he had withdrawn it. Now, knowing Mr. Charlton, as hon. members of this House know him, they will know he is not the man to withdraw any statement that he has made. Mr. Charlton has been a pioneer in advocating in the parliament of Canada the possibilities and potentialities of railways in this country, and when he made that illuminating speech in the Commons four years ago, when he spoke of building a railway through this north country with a gradient of not more than four-tenths of one per cent to the mile, people thought it was the speech of a visionary. They thought no such railway could be constructed. Why the thing is within sight of accomplishment to-day. If hon. gentlemen will come down to the railway board, where the plans have been deposited, they will find that not only between Winnipeg and Quebec, but that between Edmonton and the summit of the Rocky Mountains, in the Yellow Head Pass the profile and plans show a grade of 4-10 of 1 per cent.

Hon. Mr. LOUGHEED—Yes, at 100 per cent more than the first estimate of the cost of construction.

Hon. Mr. CASGRAIN—The cost may be considerable, but, it is not a question of cost I am now dealing with.

Hon. Mr. FERGUSON—I never contended that it was not possible to find a line with a gradient of 4-10 of 1 per cent. I also said if it was built at all, it should be built as near as possible to that grade. I did not charge Mr. Charlton with any deviation from the statement he made with regard to the rate in his early speech, but I did charge him with omitting from his book the calculations he made with regard to the carrying of wheat from Winnipeg eastward at a later date. In the earlier speech on the question, he did put that down at 12 cents a bushel, but in the later one after making some allowance for carrying the empties back, and something for profit, he made it 6 cents a bushel. He made that speech a month after he made the first one, and in the speeches he publishes in his book he produces the first one and leaves the last one —which he claims to be his latest conclusion, and about which the Liberal press made such a hurrah all over Canada—he left that absolutely out.

Hon. Mr. CASGRAIN—If hon. gentlemen will read the preface of his book, they will see that what Mr. Charlton professed to publish in that book was some speeches he made, but not all the speeches.

Hon. Mr. FERGUSON—Would not the latter speech be the right one to publish?

Hon. Mr. CASGRAIN—I am much pleased that the hon. gentleman from Marshfield takes such an interest in what I say. I feel much flattered. We have established that the length of the Transcontinental Railway between Winnipeg and Quebec is now, roughly speaking, 1,350 miles. The question of transportation, which is such a great question and so important, is very simple when once you can get at its actual cost. What is the cost of transporting two thousand tons for one mile, west of Winni-

peg, at the present day ? I have the figures here. The cost per train mile, first is $1.35.

Hon. Mr. FERGUSON—What kind of train ?

Hon. Mr. CASGRAIN—A train that will haul 2,000 tons. That cost is made up in this way: maintenance of way and of structures, 30 cents, maintenance of equipment 30 cents, conducting transportation—that means coal, wages and oiling, &c.—64 cents, taxes, &c. 6 cents, general expenses 5 cents, making $1.35 to haul 2,000 tons for one mile. By multiplying that by the total distance, you will get exactly the figure that it will cost to haul 2,000 tons 1,350 miles, which is $1,822.50. I want to make this perfectly clear to the hon. gentlemen—2,000 tons is the total weight behind the locomotive. That does not mean 2,000 tons of wheat, because you must deduct the weight of the cars. Take 800 tons for the weight of the cars—a very liberal allowance—and you will then have 1,200 tons of wheat, and at 33⅓ bushels to the ton you will therefore haul 40,000 bushels for $1,822.50. It is a simple arithmetical calculation to find how much one bushel will cost.

Hon. Mr. FERGUSON—How much ?

Hon. Mr. CASGRAIN—4½ cents, and if you allow 30 per cent profit for the railway you will have the sum of 6 cents per bushel, making Mr. John Charlton absolutely correct in the statement he made four years ago in the House.

Hon. Mr. LOUGHEED—Does my hon. friend know of any railway that is carrying wheat by rail for double that amount over that distance ?

Hon. Mr. CASGRAIN—There is to-day no railway in Canada which will equal the standard of the Transcontinental Railway between Quebec and Winnipeg. The Canadian Pacific Railway for instance, which is a fine road, is no longer a modern road. The Canadian Pacific Railway has grades of one and one and a half per cent east of the Rockies. It has grades of four per cent, or 200 feet to the mile in the Rockies. The Canadian Pacific Railway could not commence to compete for trade with the Transcontinental Railway even if it got double the freight rates. In this scale of cost I have noted so much for maintenance of way and so much for haulage, including fuel and train hands, but in the details I have not included interest on the capital cost of construction. I have given the figures for the maintenance of way, and the maintenance of the structures, and for the equipment and the cost of transportation, and the profit of 30 per cent would take care of the interest on investment.

Hon. Mr. FERGUSON—Do you include interest for the first cost of the road and depreciation?

Hon. Mr. CASGRAIN—Not as yet.

Hon. Mr. FERGUSON—Is there any allowance for carrying empties back, which will be very little less than carrying the load eastward particularly as you will have a harder grade eastbound?

Hon. Mr. CASGRAIN—No. There is very little difference in the grade. Does the hon. gentleman know that the wheat is only one-sixth of the freight carried by the Canadian Pacific Railway ?

Hon. Mr. FERGUSON—Can you tell me how much the Canadian Pacific Railway carries ?

Hon. Mr. CASGRAIN—Very little now, on account of its heavy grade. I may say that it is difficult to proceed if the hon gentleman interrupts constantly.

Hon. Mr. FERGUSON—But it is very misleading, unless the hon. gentleman gives the explanation. I have a telegram on my desk, showing that they transported in the year 1902-3, the largest year, according to my telegram from Winnipeg, only 664,104 bushels of wheat.

Hon. Mr. CASGRAIN—That corroborates what I say, that the Canadian Pacific Railway is not in a position to do business under such conditions, and that answers the position taken by the leader of the opposition. I know of no other railway in Canada which can do business at a rate which the Transcontinental can make a fair profit on.

Hon. Mr. LOUGHEED—Not at that rate, but I said double that rate, and I will put it now treble that rate. If my hon. friend can point out to me any railway on the continent of America that will carry grain by all rail for say 18 cents a bushel for the

distance he mentions, il will certainly be a great surprise, not only to myself, but to every hon. gentleman in this House.

Hon. Mr. POWER—Might I be allowed to suggest that it would be more convenient in every way if the hon. gentlemen reserved their contradictions till the end. Interruption to a reasonable extent is fair enough; but in this way the speech is cut up.

Hon. Mr. CASGRAIN—I am rather pleased with these interruptions. It shows, in the first place, that hon. gentlemen have been good enough to listen to me, and that is an attention that everybody does not receive in this House. I have heard some wide statements made in this House, and no attention paid to them. It seems that my argument must have some force if it touches the political susceptibilities of the hon. gentleman from Marshfield and the hon. leader of the opposition. I may say that this discussion as to the navigability of Hudson bay was brought on at an opportune moment by the hon. member for Marshfield. You would think some little carrier pigeon had brought from Manitoba the news that Mr. Roblin intended to dissolve the legislature and bring on a general election in the province. I do not like to surmise, but the discussion came at a very opportune moment. Since the hon. gentleman has chosen this time to raise the discussion, I think it only fair that I should avail of it to prove to the farmers of the west that they have in the Transcontinental the best, the safest and cheapest way of getting their grain to tidal waters. I have given the figures and the hon. gentleman will have plenty of opportunity of getting railway experts to contradict these figures if they can. I shall be very glad if they can inform me where I have erred in any respect. I challenge contradiction of these figures. I have given a lot of study to the question, and I believe my figures to be correct. When I stated four or five years ago that easy grades could be got on the immense plateau to the north, members on the other side would not believe it. When I stated that the railway would be 1,350 miles long, hon. gentlemen did not credit it. When I stated it would be 1,400 miles, the hon. gentleman from Westmoreland rose from his seat to express his incredulity and he told me that the Liberals in the other House had declared that the distance would be 1,475 miles.' I said I had nothing to do with what they said, that I had measured these distances carefully, and I was confident in the accuracy of my statement. The hon. gentleman said the minister himself said so and I said the minister had not consulted me ; that if he had consulted me, perhaps he would have been better informed. I regret to see that the hon. gentleman from Wolseley is not in his place. He complained that the farmers of Manitoba and the Northwest were not being well treated, in that they had no railway facilities. I do not see how the hon. gentleman can make such an assertion in the presence of senators from the province of Quebec. In the Temiskaming district we have the towns of Ville Marie, Guiges and Duhamel, settled for twenty-five years, and their only means of communication is by bark canoe in summer and dog sled in winter ; and yet the hon. gentleman complains that the people of the Northwest are not well treated. The people of Quebec contribute their money to build the railways of the Northwest ; they cheerfully contribute and say nothing. But they do not continually grumble that they are not well treated. Take the railway going to Nominingue. As president of the colonization society of Montreal, I, together with some parish priests, called on Sir Thomas Shaughnessy, and we begged for the construction of 33 miles of road from Nominingue to La Rapide du L'Orignal. And in his generosity Sir Thomas said that in two years he would build the thirty-three miles, although the parish priest pointed out that 75 families had left the place on account of the lack of railway accommodation and two whole parishes had threatened to abandon the district unless the railway was built within a reasonable time. Yet the hon. gentleman from Wolseley would have us believe that the Northwest was badly treated. In the county of Charlevoix, which has been settled for a great many years, there is not a single railway to be found. Take the county of Gaspé, represented by the Postmaster General Hon. Rodolphe Lemieux, and you will not find one mile of railway in that immense county which has a coast line of 300 miles. Still we do not complain, and cheerfully do we contribute to build railways elsewhere

Let no one rise in the House and say, in the presence of the representatives of the people of Quebec, who have contributed to build railways in the Northwest, that they have been badly treated. I think the farmers of the Northwest are well treated, and will be still better treated. There are parishes which have been exisfing for 200 years in Quebec where they have no railways. Where would you find a county like Charlevoix, with a population of 25,000 and no railways? I admire the representatives of the Northwest for demanding railway facilities for their people. I commend them for it, and I only wish the people of Quebec would take a leaf out of their book and ask for railways in our province. The Canadian Pacific Railway proposed last year to build 967½ miles of railway, some in Ontario and some west of Lake Superior, but how many miles did they propose to build in Quebec ? Not one. The Canadian Northern Company are building hundreds of miles of road in the Northwest. How many miles are they building in Quebec ? None. Sir Wilfrid Laurier went down to St. Jacques L'Achigon in the county of Montcalm to open a railway six miles long. Why, were I Prime Minister of Canada I would be ashamed to inaugurate such an insignificant railway. I hope that the farmers of the Northwest will show their appreciation of the good that the Liberal government has done for them and for the country ; I hope they will realize the extended railway facilities placed at their disposal, the greater postal facilities they enjoy, and the lesser taxation they are called upon to bear. I trust they will acknowledge the statesmanship which has given them the National Transcontinental Railway to carry their produce to the seaboard at cheap rates ; rates so low that the ten cent Roblin rate cannot compare with them. I trust to see the province of Manitoba expand her territory towards the Hudson bay, until she equals in area her giant sisters, Saskatchewan and Alberta, so recently elevated to statehood by a Liberal prime minister and a Liberal government. And finally, I express my confidence that the people of the west will not fail to demonstrate their gratitude to Sir Wilfrid Laurier, who so prudently and wisely and successfully guides the fortunes of our young and vigorous nation.

Hon. Mr. McGREGOR—I do not like to speak on a subject of which I know very little. However, I think I know as much about it as a good many of those who have spoken of it, and I have some interesting facts which I can furnish. In the first place, let me say, having some little knowledge of navigation and knowing something of the danger of winter navigation, I take some interest in it. I have had to do with shipping all my life. Very few of us have been at sea in a snowstorm. There is no danger at sea more dreaded by sailors than a snowstorm. It s a great deal worse than a fog, which is bad enough. When you have a snowstorm and cannot depend upon your compass, you are experiencing the greatest danger possible. I read with very much interest Mr. A. P. Low's account of the cruise of the 'Neptune.' He tells us, at page 20:

> The proximity to the magnetic pole accounts for the sluggishness of the compass in these waters where no reliance can be placed on the compass, this with the uncharted coast renders the approach to any of the harbours uncertain and dangerous.

I have also the log of the steamship 'Adventure' which went out last year, and I found a few notes in it where it is stated that the compass deviated as much as 19 degrees. Imagine a ship in water where there is a snow storm and where there is no space, no opening, and with a compass varying 19 degress ! Can you imagine anything more dangerous in the shape of navigation than that ? Then we talk about four months of navigation. Here is a fact that Mr. A. P. Low was in the Hudson bay all year, and he sailed at the earliest date he could get out. On the opening of the spring, although the ship was ready she could not get away until the 18th of July, the earliest date (page 34 of report). The 'Adventure' a steamer chartered by the Dominion government was there last year discharging her cargo. She was a small boat, built a year ago, with plates an inch thick, costing $180,000. The captain of that boat, the 'Adventure,' came away the 1st of October, the latest date according to the ship's own log that he could venture to remain:—

> Boat left for shore to get mail ; moderate wind and snow, freezing hard ; 5 p.m. hove up anchor ; 6.25 streamed log off Battery beacon. On the 28th September. Blowing a gale with heavy squalls of snow. Then on October 1 the ship's log records 'wind and snow ; freezing hard.'

So that he came away with a boat not to be equalled in any country. She was only built a year ago, costing $180,000, and the captain of that boat would not dare stay there after the 1st day of October.

Hon. Mr. FERGUSON—Where was he on the 18th July ?

Hon. Mr. McGREGOR—Low, with the 'Neptune' was in Hudson bay all winter. The 'Adventure' was not there at that date. The 18th of July was the earliest date which Mr. Low says the 'Neptune' could sail. It was not the harbour ice that he was afraid of. She would go through a foot and a half of ice any time. It was the navigation outside he was afraid of. I will give you the deviation at the different times. On the inward voyage he left Sydney on Friday, the 3rd, and the fourth day out he was in the ice. She speeds, under fifteen tons of coal, ten knots an hour.

Hon. Mr. POWER—This is the 'Adventure,' and not the 'Neptune.'

Hon. Mr. McGREGOR—On the tenth of August there is this note :—

8 p.m., light northeast wind, weather clear, steaming through ice ; 8.25 rounded Cape Chidley. Met heavy Arctic ice. Rounded into Burwell harbour, and at 1 p.m. commenced discharging cargo. Found very difficult to land on account of ice.

On the 16th August—

3 p.m., misty weather, cast lead seven fathoms ; 4 p.m., let go port anchor, thick fog, compass 19 degrees deviation.

Friday, 28th September—

A strong wind, a dull overcast. 9.30, left ship with boats loaded with coal and general cargo, wind increasing ; 2 p.m., coming off to ship launch flooded and stopped, had to anchor with 4 boats astern ; 3.15 p.m., reached ship and hoisted all on board. 5 p.m., heavy squalls with snow ; 6 p.m., blowing a gale.

On the 1st October he left some 300 or 500 tons of cargo, not because he was afraid of Hudson bay, but because he was afraid of navigation in the straits. Hudson bay, for navigable purposes, is an absolute impossibility. I was talking to Mr. Robt. Reid, one of the largest steamer owners in Montreal last evening, without reference to this matter, and he stated in reference to the carrying of freights, that they were changing their ships into passenger boats for the reason that grain was now being carried from Montreal and New York at nine pence per quarter, or one penny per bushel.

Hon. Mr. McSWEENEY—From where?

Hon. Mr. McGREGOR—From Montreal to Liverpool. That Hudson bay can become a great factor in the transportation of grain appears to me an absolute impossibility. Taking the statement of A. P. Low, that the 18th of July was the earliest date he could sail, although ready long before that, and the log of the 'Adventure' that the 1st of October was the latest date safe to remain, proves conclusively that there is less than two and a half months of open water. No company is likely to be found who would build costly ships for a special trade for a two and a half months service, with the competition of New York and Montreal carrying grain at one penny per bushel, so that Hudson bay route cannot be successful as a commercial enterprise.

Hon. Mr. TALBOT moved that the debate be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned until 3 p.m. to-morrow.

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## THE SENATE.

OTTAWA, Wednesday, February 20, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### ST. JOSEPH TRANSPORTATION COMPANY BILL.

BILL WITHDRAWN.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (J) An Act to incorporate the St. Joseph Transportation Company, reported that the promoters ask leave to withdraw the said Bill and the committee recommend that such leave be given.

Hon. Mr. SCOTT—It is understood that the fee is to be returned, less the cost of printing ?

Hon. Mr. CASGRAIN—I move that the report be concurred in, and also the return of the fees to the promoters, less the cost of printing.

Hon. Mr. LANDRY—Does the report of the committee refer to the printing ?

Hon. Mr. CASGRAIN—No.

Hon. Mr. LANDRY—If it is the report of the committee all right ; if not, a distinct motion must be made.

Hon. Mr. CASGRAIN—Then I give notice that the fees be returned, less the cost of printing.

Hon. Mr. LANDRY—I do not say I would not agree, but I say if the hon. gentleman wants to make that motion he must also make another motion for the suspension of the rules.

Hon. Mr. CASGRAIN—I move that the report be concurred in.

The motion was agreed to.

## STRATFORD AND ST. JOSEPH RADIAL RAILWAY COMPANY BILL.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (K) An Act to incorporate the Stratford and St. Joseph Radial Railway Company, reported that the preamble of the Bill had not been proved to the satisfaction of the committee. He said : The ground upon which the committee make this report is that the matter is one which comes within the jurisdiction of the province of Ontario, and that this Bill should have been applied for in the local legislature.

The report was concurred in.

## THE RULES OF THE SENATE.

### MOTION.

Hon. Mr. POWER moved :

That the Committee on Standing Orders be instructed to consider the desirability of assimilating the rules of the Senate with respect to private Bills and petitions relating thereto, to those of the House of Commons, and, if they think such assimilation desirable, to report such amendments to the rules of the Senate as may be necessary to bring it about.

It will be remembered that the rules of the Senate were revised the session before last. An effort was made at the time to secure, as far as possible, uniformity between our rules with respect to private Bills and the rules of the House of Commons ; but since the time when our rules were adopted the other House have made certain changes in the regulations which the rules provide as to private Bills ; and it seems to be desirable, that as in the past there should be at least reasonable uniformity between the rules of the two Houses. The most important change made by the House of Commons is in rule 88, which corresponds with our rule 114. With the permission of the House, I shall just read a few lines to show the nature of the change. Paragraph 3 reads :

The following charges shall also be levied and paid in addition to the foregoing.

The foregoing are similar to those which are provided for in our rules, the deposit of $200 and payment of the cost of printing.

(a) When any rule of the House is suspended in reference to a Bill or the petition therefor, for each such suspension, $100.

(b) When a Bill is presented in the House after the eighth week of the session and before the end of the twelfth week, $100.

(c) When a Bill is presented in the House after the twelfth week of the session, $200.

And then there is a provision for a gradual increase of the fee to be paid in proportion to the amount of the capital, and finally for every additional million dollars or fractional part thereof, $100.

These are the most important changes which have been made. A good many hon. gentlemen were under the impression that if we allowed the difference to continue—that is if we made no provision for a payment of those additional sums—a large amount of the private Bill work would be done in this House ; but the Commons have provided against that, because they have provided that if a Bill passes through the Senate and goes down to the Commons, then the promoter of the Bill will be credited with the amount which he has paid in the Senate and will be obliged to pay the difference in the Commons, so that we are not likely to receive any increased work or any increased revenue under that rule. There is a proviso in rule 88 which, however, does not go very far back :

Provided, however, that if a petition for any such Bill has been received by this House (that is the Commons) within the first six weeks of the session, the additional charges made under subsections (b) and (c) of section 3 shall not be levied.

That is, when a Bill is presented in the House after the eighth week of the session and before the end of the twelfth week, or when a Bill is presented in the House after the twelfth week of the session, if a petition has been presented within the

first six weeks, then these additional amounts will not be exacted.

Hon. Mr. BEIQUE—I do not propose to enter any objection to the motion ; I merely desire to call the attention of this honourable House to the fact that, in my humble opinion, the Senate has not been treated with the same courtesy which this Chamber tendered to the House of Commons in connection with the rules. When we decided to make a change in our rules, we communicated with the House of Commons and invited a conference with them in order that our rules would harmonize. The House of Commons have not done anything of that kind. They have changed the rules without any intimation to us. There is no reason to adopt their rules unless, on their merits, they should be adopted. They should not be adopted for the mere sake of making our rules agree with theirs.

Hon. Mr. LANDRY—Some time ago I asked if we could be put in possession of the rules of the House of Commons. I see they are printed now. I think if it is possible we should have them.

Hon. Mr. SCOTT—I thought they were distributed. If not I shall see that senators all get copies of them.

The motion was agreed to.

## THE FRENCH VERSION OF REVISED STATUTES.

### INQUIRY.

Hon. Mr. LANDRY called attention

To the following declaration made on December 4, 1906, by the Honourable the Secretary of State in relation to the French version of the Revised Statutes, 1906 :

Hon. Mr. SCOTT—I understand they are making rapid progress with it (the French version). Additional translators are employed, and it is hoped it will be ready on the 1st January.

And will ask :

The 1st January being now passed, is the French version of the Revised Statutes, 1906, ready ?

If not, when will it be ready ?

How many additional employees have been working at that French version ?

What are their names, and how many days have they been employed at that work ?

When will the French version of the Revised Statutes, 1906, be ready ?

He said : Is the hon. minister ready to give the names of those additional employees ?

Hon. Mr. POWER.

Hon. Mr. SCOTT—I thought I gave the names yesterday. I was not able to ascertain the renumeration paid. Of course, on Wednesday, the House sits at two o'clock, and I had no opportunity of seeing any of my colleagues.

Hon. Mr. LANDRY—We may allow that question to drop, and I have one for tomorrow which will, perhaps, serve the purpose better than the first one. If I had received an answer to the inquiry I have just made, I would have dropped the second one, but as I have not received an answer to it, I will drop the first one, and allow the second one to remain on the paper.

The inquiry was dropped.

## POSSESSION OF LANDS IN THE NORTH OF THE DOMINION.

### MOTION.

Hon. Mr. POIRIER moved :

That it be resolved that the Senate is of opinion that the time has come for Canada to make a formal declaration of possession of the lands and islands situated in the north of the Dominion, and extending to the north pole.

He said : It is somewhat—I do not know if I may not call it jarring, to read occasionally in the United States papers such paragraphs as this—

The captain of whaler so and so has hoisted the United States flag on a certain island;

or that some United States navigator in the Arctic waters has planted the United States flag on another island and taken possession of it, when by referring to our atlas we find that those islands and lands are situated in the Canadian Arctic waters. Reflecting upon what effect those acts of possession might have on Canadian ownership and considering that, although they may be merely of a sportive character, or matters of amusement, still they may have serious consequences in the future, especially when we remember the importance that our friends to the south have attached to as small acts of possession as these in the settlement of our disputes with them, in 1783, for example, and later on, in the matter of the Ashburton Treaty, and still later in the settlement with them of our Alaska frontier. I more especially looked into the question in order to ascertain as far as I could whether those islands and lands over which those United States whalers have hoisted

the United States flag did not actually and positively belong to the British empire and to the Dominion of Canada. I have arrived at the conclusion that all the lands and islands that are situated north of the Canadian northern limits and extend to the north pole do belong unquestionably to the Crown of England and ever since the British North America Act, to the Dominion of Canada. England is the possessor of those lands by right of discovery and actual possession, and here I will be excused, I am sure, in going back into history, a little bit, in order to make out my contention. I will be as brief as possible, desiring in no wise to tire my hon. hearers, deeply impressed as I may be with the importance of the question I have the honour of bringing before your attention. That question of title will, some day, be brought up in one way or other, and it is, I believe, proper that we should prepare our friends to the south, and assert in as public a manner as possible our dominion over those lands. Now is the proper time to do so, when England and the United States are on the best of terms, now that the air resounds with echoes and declarations of universal peace, and now that we have pending some questions to be resolved between us and the United States. England can well establish her sovereignty over all the lands that lie to the north of this continent, by right of discovery. Coming to this right, in 1496, just immediately after the news of the discovery of America by Columbus had reached England, coupled with the fabled riches of the orient that Spain and Portugal were to be heirs to by the mere act of discovery, John Cabot, a stranger in England, but who had been naturalized there, a man equal in renown with Columbus, went to the Court of Henry VII., and showed him that while it was too late for England to follow upon the steps of Columbus, since Pope Alexander VI., had made a partition of the heathen countries discovered, by Columbus, and since also the treaty of Tordesillas had confirmed the partition between Spain and Portugal of these territories, had disposed of all the regions touched by the Spanish and Portuguese navigators, there was, however, a chance for England to secure the way to the orient, to the kingdom of the great Kahn, China and Japan, and that was by the northwest passage. This was shown pretty conclusively from maps he had, and he succeeded in getting a ship, the 'Matthew,' of small tonnage, in which he sailed early in the spring of 1497 in quest of a shorter passage than that discovered by Columbus to the Orient.

The object was commercial. At that time no one dreamed of the existence of the separate continent known as America. It was thought to be a part of Asia, which it nearly is, as it is disconnected only by the Behring Strait, or, if not a part of Asia, to be an island intervening between Europe and Asia. Cabot returned from his voyage back to England in the month of August of the same year, and reported having landed on a new island, as he called it and having coasted it for 300 leagues without finding any inhabitants, but that he had found the way for a shorter passage to the west. At the time of the landing of Cabot on the coast of Labrador, Columbus had not yet laid his foot on the American continent. Cabot was the first white man of that period to land on the continent; Columbus had only as yet discovered the West India Islands. What part of America Cabot discovered was for years a moot question, but is now conceded that Labrador is the coast which he discovered, because leaving Bristol, in latitude 51·50, he himself says that he rounded Ireland, and after sailing two days north he took to the west, leaving the sun to his right hand side. As he mentions no accident on the way, this course would land him somewhere about the mouth of Hudson bay, and very likely that is where he did land. He held a charter from the King. He relates that he hoisted the flag of England on the land he discovered, being therefore the first discoverer and the first to take possession of those regions just as effectively as central and South America had been taken possession of by Spanish and Portuguese navigators. Immediately upon his making his reports, the merchants of England and especially of Bristol, and the King himself, became very much interested. He secured five ships for a second expedition, which were loaded with presents and articles of exchange. It is reported that the King of England fitted out one of the ships himself. Cabot sailed with another charter the following year. The first had been granted to him and Sebastian, his son; the second was to himself alone. He

sailed with those five vessels, stating that he was going exactly where he had been the year before, and where he had found the entrance to a passage to the orient, but he never returned. From all appearances, Cabot entered Hudson bay and was lost, as was Hudson himself later on, and many others have been in its dangerous recesses. Cabot never returned and never made a report, but some of his ships returned and reports were collected by Cabot's son, who probably never had set a foot on the American continent, but built a reputation for himself on the discoveries of his father, and the reports of his companions. This is the first formal act of possession made on the northern part of this continent by any European power, and that act of possession redounds to England. It is English possession. After the Cabots, the English court followed up the search for a passage to Japan and China by the north as the English know how to follow any problem they once undertake to solve. For over a century and a half they sent explorers, mariners after mariners and sailors after sailors who successively went for the purpose of forcing their passage to Cathay with a mission to take possession of North America in the name of England. I may mention first Frobisher, who was sent thither by Elizabeth, and who returned after having landed on the American continent with reports that a possible northwest passage existed. He was sent back twice again by the great Queen of England. After Frobisher, Captain Davis sailed as far north as the Arctic circle, and Captain Perry, as early as 1666, penetrated very far inland to the west and reached latitude 82 north, making four voyages, three of them in the employ of the court of England, and one in the employ of the Dutch. Thomas Button, in 1612, erected a cross at the mouth of the Nelson river, and took possession of those parts in the name of England. He was followed by Captain Baffin and by Captain Fox, each taking formal possession of the spots where he landed. Later on Zack Gilham, Capt. Newland, and many other sturdy seamen crossed over to America in search of that passage, and each and every one of them took possession in the name of the King. That is certainly sufficient to establish a right of possession by discovery, since it has been agreed among nations that in order to establish a good title by discovery the country must be previously unknown, formal possession must be taken and acts of occupancy must be done; that the intention of occupying the country must exist by the parties making the discovery and that peaceable possession should follow. All these conditions exist in the case of England taking possession of North America. True, our ex-colleague, Hon. David Mills, in the 'Boundaries of Ontario' somewhat challenges the right of England to possession of our northern regions on the ground of non-occupancy, maintaining that settlement and tilling of the ground must actually take place. That applies, no doubt, to countries with a temperate climate where agricultural settlement is possible; but in the case of Arctic wastes and recesses, what is deemed, in my view of it, sufficient to establish possessions and give a good title, is occupancy as much as occupancy can take place. No more would be demanded to make a perfect title for England in those regions than is requisite in the case of France in the Sahara Desert. No one expects France to till the Sahara Desert in order to come within the definition of what is needed to perfect occupancy. The fact is, England did what could be done in the way of occupancy and its authority over Hudson Bay and the lands and islands lying to the north of it has remained unchallenged for all that period of time. Russia, during the discussion arising out of the Alaska boundaries, laid down the doctrine that fifty years of uncontested possession gave sovereignty over Arctic regions. From the time of Cabot to the actual establishment of the Hudson Bay Company, to which I shall refer later, 170 years elapsed of unchallenged peaceful occupation of the lands and islands lying north of Hudson Bay. Therefore on that ground the title of England to the Arctic regions seems to be perfect. During all that time the northwest passage had not been found, though England was still intent on finding it. In 1746, the British parliament passed an Act part of which I will read, because it may serve as a model for an Act of a similar character which I hope may be passed by our own parliament. I am reading now from the Act of 1746:

Whereas the discovery of a northwest passage through Hudson's straits to the western

American ocean, will be of great benefit and advantage to the trade of this kingdom; and whereas it will be a great advantage to adventurers to attempt the same, if a public reward was given to such person or persons as shall make a perfect discovery of the said passage. May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords, spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, that if any ship or vessel, ships or vessels, belonging to any of His Majesty's subjects shall find out and sail through any passage by sea between Hudson bay and the western and northern ocean of America, the owner or owners of such ship or ships, vessel or vessels as aforesaid, so first finding out and sailing through the said passage, his or their executors, administrators or assigns, shall be entitled to receive and shall receive as a reward for such discovery the sum of twenty thousand pounds.

So far, up to that date, the discoveries had been mainly in the north. England wanted a route across to the Pacific. Following this magnificent offer of $100,000 came Franklin, of whose heroic exploits we all know. Franklin did more towards exploring our northern hemisphere than any other man. He travelled no less than 1,000 miles in the Arctic region until he heroically sacrificed his life in exploratory work. That was in the fifties. To McClure is due the enduring honour of, at least, finding the coveted northwest passage. In 1853, he crossed from the Alaskan waters to the Atlantic ocean, proving conclusively that such a passage as had been sought for during three and a half centuries by other explorers did exist. McClure secured the prize offered of $100,000 for discovering it. McClure took possession of the land he travelled over. He acted in behalf of England; therefore the dominion of England extends not only northerly, but all across the northern continent to Alaska. This again, in my estimation, is sufficient to establish a title of dominion by right of discovery; at least to perfect it. Now, all the rights and titles of England over those regions have been handed to us by virtue of the British North America Act. There was, however, one nation that contested England's supremacy, not to the northern regions, but around Hudson bay, and that nation was France. After the time of Cabot, and for nearly two centuries, little was known of what English sailors were doing in Arctic America, though in the meantime France, through Jacques Cartier, had discovered and taken formal possession of what to-day constitutes eastern Canada, and what was then called New France. As early as 1626, a French company, the Company of New France, was formed which was given powers about as extensive as those given later on to the Hudson Bay Company. Those powers were exclusive in their nature and gave a right to that company to traffic with the Indians for furs all the way from the St. Lawrence up to and including Hudson bay. In 1656, the Sovereign Council of Quebec authorized Jean Bourdon to make discoveries in and take possession of Hudson bay, which he did. Afterwards again Governor d'Argenson despatched thither Father Dublon and the Sieur de la Vallière, who also made acts of possession over parts of Hudson bay. More envoys followed d'Argenson, the Sieur Duquet and others. When the French found out that the English had established posts there as early as 1670, they fell out, of course, as they naturally would at that time. The French and English fought. In 1680, there were no less than six trading posts in Hudson bay. Moose Fort, Fort Rubert, Fort Albany, Fort Nelson and Fort Bourbon, a French fort. They began fighting in time of peace. Between 1682 and 1687 most of the English forts were taken by the French, the hero on the French side being Lemoine d'Iberville, whose history reads like a romance. The Hudson Bay Company made complaint to the King of the encroachments of the French and it was resented in England. William III. who had renewed the Hudson Bay charter, he himself being interested in the company, espoused the cause of the Hudson Bay Company. In the declaration of war which ensued, mention is made of the wrongs suffered by the Hudson Bay Company, and this is given as one of the causes justifying the war, which goes to show that England never relinquished her rights around and in Hudson bay. Here is the clause:

That the French King should invade our Caribbee islands and possess himself of our territories of the province of New York and Hudson bay; in hostile manner, seizing our forts and burning our subjects' houses, &c.

These refer to the Hudson Bay forts. By the peace of Ryswick, the English forts,

which practically constituted the whole of the settlement around Hudson bay, were left to the French ; but after the war of the Spanish Succession, the Treaty of Utrecht gave over to England almost the whole of Hudson bay; until finally, in 1763, the treaty of Paris surrendered to England all the rights that France then had or ever had in these northern regions, making, therefore, the title of England absolutely complete. France was the only nation that had ever contested the Supremacy of England over Hudson bay and the adjoining territories. England, after the treaty of Paris 1763, became and has continued, and in my estimation is still the possessor of the whole of the northern part of the continent. To complete the title of Sovereignty over a new country, occupancy is necessary. It is easy to show that what occupancy was possible in our northern regions was made in behalf of England, and this again completes the title and makes it perfect. As I said before, the occupancy must vary with the conditions of the country. Brazil claimed the whole of its territory before having explored one-tenth of it because there was no possibility of exploring it at that time. Venezuela is claiming all the country traversed by the Orinoco, and it is only a few years since the sources of the Orinoco were discovered. The occupancy must be according to the conditions of the country. Now the occupancy by England of our northern latitudes was almost as perfect as it could be, and the occupancy was that of the Hudson Bay Company. The history of that country is one of the most interesting. That company's history is a noble one. Its promoters, its presidents, from Prince Rupert and Lord Churchill, afterwards Duke of Marlborough, down to Lord Strathcona, that company of all companies I have read of, of all companies that have worked for the good of England, of all empire builders is the noblest I know in the history of the empire. Prince Rupert was a cousin or brother of the King, I forget which.

Following the reports of the discoveries I have just mentioned, finding there was an immense traffic to be carried on in that country, he applied to the King for a charter. The charter was granted. It appears even that the King was glad that so little was asked of him from his nephew, to whom he owed many an obligation. The charter was granted, the holders of which were noblemen—I believe the King himself was a stockholder in the company. I will read the House a passage from the charter which pertains to the subject-matter contained in my proposition :

> To all to whom these presents shall come, greeting :
>
> Whereas our dearly beloved cousin Prince Rupert, &c., . . . have at their own great cost and charges undertaken an expedition for Hudson bay in the northwest part of America for the discovery of a new passage into the south sea, and for the finding some trade for furs, minerals and other considerable commodities . . . and whereas the said undertakers, for their further encouragement in the said design have humbly besought us to incorporate them and grant unto them and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called the Hudson straits, together with all the lands, countries and territories upon the coast and confines of the seas, straits, bays, lakes, rivers, creeks and sounds aforesaid, which are not now actually possessed by any of our subjects, or by the subjects of other Christian prince or state.

That is the scope of the geographical privileges granted to the Hudson Bay Company. It is, as you see, unlimited. Prince Rupert and his associates immediately repaired to the new world and established their first forts on the Hudson bay. At the time of their coming over, there were maps published—I saw them myself—showing that the territories discovered and taken possession of by English sailors extended up and over the 82nd parallel north. According to the theory that the frontage of the sea-board carried with it the strip of land all the way across the continent, the Hudson Bay Company, from 1670 until their surrender to Canada, pushed their way west, and held that the whole of North America belonged to them by right of that charter. The Hudson Bay Company continued, as we have seen, notwithstanding some vicissitudes, uninterruptedly in the possession of Hudson bay territories from the time of their first establishment, in 1670, up to the surrender of their possession, about two million and a half square miles, more than half of the United States, almost half the size of the whole of Europe, to the Canadian government, for the sum

of three hundred thousand pounds sterling. Therefore, Canada having, by purchase, acquired all the rights that were ever possessed by the Hudson Bay Company, can claim to-day possession of all the lands and islands extending north of the St. Lawrence up to the most hyperborean extremities—up to the north pole. That contention, I believe, cannot be very well disproved. I will add more; if England had followed out what were the pretensions, and the legitimate pretensions of the Hudson Bay Company, to-day a part of the territory claimed by and awarded to the United States would belong to Canada. Oregon would be Canadian territory, and possibly the lines which separate us from our neighbours would be much more to the south. But, at the time, these territories were deemed of little value, and England did not attach the importance to them that she might or should have. There was no one to plead in favour of Canada. The situation was such that we were, by the terms of the treaty of 1783, deprived of territories which should belong to us, but it was not the fault of the Hudson Bay Company, who, to the last, fought for their rights. Their rights to-day are our rights. When the Hudson Bay Company were called upon, in 1750, to lay before the Lords of Trade and Plantations a description of the limits of their territory, they stated that 'towards the north all the lands that lie at the north end on the north side or coast of said bay and extending from the bay northwards to the utmost limits of the lands towards the North Pole' were theirs. What were their possessions are to-day our possessions. We have a fourth claim, we can establish a fourth ground for ownership for all the lands and islands that extend from the arctic circle up to the north pole. Last year, I think it was, when our Capt. Bernier was in New York, a guest of the Arctic club, the question being mooted as to the ownership of Arctic lands, it was proposed and agreed—and this is not a novel affair—that in future partition, of northern lands, a country whose possession to-day goes up to the Arctic regions, will have a right, or should have a right, or has a right to all the lands that are to be found in the waters between a line extending from its eastern extremity north, and another line extending from the western extremity north. All the lands between the two lines up to the north pole should belong and do belong to the country whose territory abuts up there. Now if we take our geography, it is a simple matter. We find that going around the earth, at the latitude of say between 70 and 80 degrees parallel, all the lands and islands up towards the pole from the 5th to the 32nd degree of longitude east, belong to Norway and Sweden. From the western extremity of the Muskovite empire to its eastern extremity, across Lapland, Archangel and Siberia, that is from about the 32nd to the 190th east, and then overlapping the western hemisphere by ten degrees or 170 degrees west, coinciding with the Behring strait, all north of that tract which is equal to two-fifths of the whole world, is claimed by Russia, Franz Joseph Land excepted. The distance east and west of Franz Joseph Land is about ten degrees. Now, continuing easterly from the Behring strait 170 degrees west to 141 degrees west, we cross the territory of Alaska. That is claimed by the United States, and no one will venture to go up north between those two lines and take possession of any land, or any island that may be discovered between its borders and the north pole. From 141 to 60 degrees west we are on Canadian territory. That is the territory that has been discovered by the seamen of England, that has been traversed by MacClure and by Franklin. It is the territory that has been taken possession of by the Hudson Bay Company, and it is the territory that we claim, and I hold that no foreigner has a right to go and hoist a flag on it up to the north pole, because it is not only within the sphere of possession of England, but it is in the actual possession of England. This partition of the polar regions seems to be the most natural, because it is simply a geographical one. By that means difficulties would be avoided, and there would be no cause for trouble between interested countries. Every country bordering on the Arctic regions would simply extend its possessions up to the north pole. I may be urged, and it would have been more strongly urged some few years ago—that those regions are of little value. I need not say to hon. gentlemen that they are of great value and their possibilities are simply immense. We are now opening the Hudson

bay; we are about diverting our trade towards Hudson bay. No less than eight railways now have charters to build up to Hudson bay. Not only is the fur valuable, but the possibilities in fisheries are very promising. It is suspected that the Hudson bay people, who are dealing with furs more especially, have not revealed to the world the riches of the Hudson bay fisheries. It is beyond a doubt that for mining purposes and for commercial purposes those northern territories, which were held not many years ago to be useless, have unlimited possibilities before them. Such ideas as were entertained in the past were the cause of our losing Alaska. All that ignorance and misconception has vanished since our late colleague, Governor Schultz, made that investigation which proved so fruitful, showing what had been until then unknown to the civilized world—that along Peace river cereals and fruits could be grown to maturity. That information is being supplemented by the researches of the committee of this House, presided over by my hon. friend from Prince Albert (Hon. Mr. Davis) which has revealed further possibilities for agriculture up north, just under the arctic circle. In the presence of those facts we are not justified in taking any other view than the one I take now, that the possibilities of our northern hemisphere are unlimited. I wish to recall a historical fact. Many hon. gentlemen, perhaps all of us, are aware that those northern latitudes were not very long ago the home of prosperous colonies. Why is Greenland so named? Because not later than the time it got its appelation, about the tenth century, it was a land where grass and other green things flourished. Referring to my notes, I found yesterday the names of not less than seventeen bishops who lived and prospered in Greenland and the land opposite Davis basin from the middle of the twelfth century to the fourteenth century. At that time Iceland was certainly one of the most advanced countries of Europe in point of civilization. Not more than five or six centuries ago those countries, which are regarded as uninhabitable, were the homes of numerous colonies. The Crusades were preached in America at the time and our people sent contributions to Europe. We have proofs to-day that they sent help to the European brethren to go to the rescue of Jerusalem. If five or six centuries ago those uninhabitable regions were settled, why should a recurrence of the same thing not take place? We do not know very much about our remote history. This earth of ours moves by cycles. There is no doubt about that. By going further into history of the world, it can be shown that once upon a time this earth was inhabited up to the north pole. We find to-day in the north remains of animals, contemporaneous with men, such as the mammoth that lived only in a hot climate. We find such remains in the Yukon and in Alaska. What is the meaning of that? Certainly, that at a certain time those regions were habitable. At that time it is proved that man existed; and, therefore, it is to be inferred that even at the north pole at that time, men lived and prospered. Glacial periods have come and have gone. Geologists to-day think that there are no less than three or four successive glacial ages traceable, ice-capping coming down as far as the 40th parallel. There has been a moving up and down of the ice. We have recorded no less than four of those occurrences. On the other hand we know historically that no later than 600 or 700 years ago there were prosperous colonies within the Arctic circle. Possibly in a thousand years Canada will be a well settled country up to the north pole. We will not see it, our descendants may and possibly we shall find out there the place where Eden was, because we are aware that some dreamers, serious dreamers—all dreamers are more or less serious—think that Paradise Lost was up at the pole, and that those four big rivers spoken of flowed from the pole. These are of course in the field of hypothesis; but a matter which is not in that field, is the recurrence of cycles of cold and cycles of heat. What is pretty certain is that polar ice will melt again and that civilization would not be slow in following up as the lands will become cultivable. We can, therefore, see by imagination, and without a great stretch of it, a time when those Arctic regions will be dotted with cities and villages, and fields tilled by the husbandman; when the civilization of Can-

ada will extend from the Atlantic to the Pacific and from the present isothermal line to the north pole. Possibly hon. gentleman at that time it will be very necessary for us to have the north pole as a way out of our Dominion, because by the last arrangements we have been encompassed and so much so that we can hardly find a place now to locate the terminus of our Grand Trunk Pacific Railway on the Pacific. The United States people have got a slice of territory which confines us to a narrow exit on the Pacific, while, on the other ocean, Labrador claims all the coast line from Belle Isle up to Cape Chidley. On the south we are barred by the great line that separates us from our United States neighbours; in fact we have just the St. Lawrence on which to travel out of and into our own country. I cannot very well come to parliament without passing through United States territory. We are encircled all around. Civilization moves west. It has come to the last untried country, which is Canada. From being the last, our country will likely become the first. Let us lay the foundations for a glorious and everlasting empire, the empire of prosperity and peace. The question I now raise is a timely and proper one, because it is sure to arise later on. Hon. gentlemen know that when the United States people hold an inch by possession they claim to hold a yard. Since the question is to come up, now is the proper time to settle it. You know that the high commissioners who met in Quebec in 1898 and moved to Washington the following year, have left many questions that were in dispute undetermined. One of those questions is the whale fishing, which is pertinent to the question I raised to-day in regard to the Hudson bay. I would suggest that the Canadian government consider this question of possession by us of our territory up to the north pole, and settle once for all with the United States people all pending questions, so that what Sir Wilfrid Laurier said the other day may have its full application, and that there may be no possible ground for strife of any kind between Canada and the United States.

Hon. Mr. DAVID—Will the hon. gentleman allow me to put a question to him? He spoke of the declaration of war in 1618, if I am correct, by France against England. Can he cite me the words that were used in that declaration of war, especially in connection with the complaint that France had taken possession of certain forts or trading posts on Hudson bay?

Hon. Mr. POIRIER—I did not claim that France had no right there. I said they came in conflict; that Hudson was there before the French, but the territory at that time was undivided. These uncertain boundaries were the cause of many wars, especially between England and France. The Quebec Company came in contact with the Hudson Bay Company, and in time of peace, between 1682 and 1687, six forts were taken and retaken. The French militia was headed by the brilliant hero Iberville, and the English defence was no less valorous. It happened that the French had the upper hand, and by the terms of the treaty of Ryswick the forts were left in the possession of those who then occupied them. The occupiers of the fort were the French, and the Hudson Bay Company bitterly complained against that as being an injustice, having to suffer for the arrangement made between the Kings of England and France; but this only lasted from the time of the treaty of Ryswick, which was signed, I believe, in 1697, to the time of the treaty of Utrecht, signed in 1713. By the treaty of Utrecht the whole of Hudson bay—not exactly the whole of Hudson bay, but the southern part of it—was left to the French, but all the western and northern portions of Hudson bay, up to the north pole, were allotted to the Hudson Bay Company, that is to say, to England.

Hon. Sir RICHARD CARTWRIGHT—We have had a very interesting disquisition by my hon. friend on a matter which is not altogether merely academic, but which, in some aspects, may become of practical importance. As to some of the points which he has raised, a good deal of doubt might exist were one to examine minutely all the records which have been handed down touching the matter of the original discovery of America, and I am not sure that our Scandinavian ancestors might not put in a very good claim. I am rather inclined to think that the original discoverers of North America were the Vikings, who originally colonized Iceland, and who

appear afterwards to have made their way to Greenland, and from that to have certainly gone, at any rate, to Newfoundland and Labrador, if not to southern portions of North America. But waiving that question of original discovery, and coming down to more modern times, there is no doubt, I think, that Canada has a very reasonably good ground to regard Hudson bay as a mare clausum and as belonging to it, that everything there may be considered as pertaining thereto. Touching the other point my hon. friend has raised, whether we, or whether any other nation is entitled to extend its territory to the north pole, I would like to reserve my opinion. I am not aware that there have been any original discoverers as yet who can assert a claim to the north pole, and I do not know that it would be of any great practical advantage to us, or to any other country, to assert jurisdiction quite as far north as that. However, I may state to my hon. friend that the importance of having the boundary of Canada defined to the northward has not at all escaped the attention of the government. They have, as the hon. gentleman knows, sent out an expedition very recently to that region, and have established certain posts, and they have likewise exercised various acts of dominion. They have, besides establishing the posts I have referred to, levied customs duties and have exercised our authority over the various whaling vessels they have come across, which, I think, will be found sufficient to maintain our just rights in that quarter. I would think, however, that it was scarcely expedient for us, bearing in mind that a conference is now going on, to enter into any formal declaration, either on the part of this body or the House of Commons as to the exact limits that we possess thereabouts. I think my hon. friend may rely upon it that the government will take all reasonable precaution to guard against any territory being wrested from us, even if it does appear at present to be of a rather unproductive character. As the hon. gentleman says, nobody can tell what may be found in some of these northern regions. Very few persons ever believed that such discoveries as have taken place in the Klondike, in Alaska, and in other similar regions of late years, could by any possibility have occurred, and it is quite within the limits of possibility that further exploration in the Hudson bay, and northward of that, may reveal mineral deposits of very considerable value and importance. The only point to which I would direct his attention is this: That while negotiations are going on, and while the government are exerting themselves, it may not be the part of policy to formally proclaim any special limitation, or attempt to make any delimitation of our rights there; and, therefore, although I can assure the hon. gentleman that due attention will be paid to the matters he has brought before the Senate, and that due precautions will be taken to protect and enforce our rights, I think he will do well not to press this motion, and unless other hon. gentlemen wish to enlighten the House on this subject, I would move that the debate be adjourned for the present.

Hon. Mr. POWER—Adjourned sine die.

Hon. Mr. SCOTT—That is not one of our sitting days.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (25) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company. — (Hon. Mr. Ross, Moosejaw.)

Bill (56) An Act to incorporate the Quinze and Blanche river Railway Company.—(Hon. Mr. Watson.)

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to direct the attention of the House and my hon. friend the Secretary of State, to this question of telegraphic communication with Prince Edward Island. I asked my hon. friend yesterday when he told us that this communication was in operation, if he would be surprised to learn to-day that his information was incorrect, and my hon. friend said he would indeed be surprised. Now, I have a surprise in store for him, I have a telegram. It appears that the government of Canada is too poor to send a telegram to Pictou to find out whether the service has

been restored. However, I did that at my own expense to-day, and I have a reply which has been put in my hands since I came into the House. My hon. friend very courteously placed in my hands, before the House opened, the authority under which he made the statement to the House yesterday, which shows that he made it in perfectly good faith, but it was nine days old. The telegram that had been received was dated the eleventh of February. My telegram is dated to-day and reads :

Marconi people handling telegraph business from steamers at shore. Office here will be fully equipped to-morrow. Some delayed material will arrive this evening.

This is from the station agent at Pictou, N.S.

Hon. Mr. SCOTT—Will the hon. gentleman be kind enough to give me a copy of the telegram ?

Hon. Mr. FERGUSON—I shall be happy to hand the telegram to my hon. friend. That is just as I understood the matter yesterday when it was before the House. Nearly three weeks ago the hon. gentleman made a somewhat definite promise to the House, on the authority of some subordinates of some other department—I have no doubt the hon. gentleman did not make it without authority—that the service would be open on last Saturday week, the 9th inst. It did not open on Saturday week, but on the 12th—that would be the Tuesday following, a week from yesterday—a notice was inserted in the papers on the island to the effect that commercial messages would be sent over by the steamer while the steamer was in port. As I explained to the House yesterday, that is valueless. The steamer is not in port in Pictou for any length of time in the day. She is crossing one way or the other nearly all the time, and unless the steamer is in port, no message can be received. Therefore, up to the present time there is no commercial communication worthy of the name. It is only a chance to get a telegram through when the steamer happens to be in the port of Pictou. There is a promise here, coming from Mr. Webster, the station agent of the Intercolonial Railway at Pictou, that the system is expected to be in operation to-morrow. It is to-morrow, to-morrow, to-morrow. That is the way it has been since the 5th of January and we will have to wait now, I suppose, until to-morrow.



## NORTHWEST TERRITORIES ACT AMENDMENT BILL.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (76) An Act to amend the Northwest Territories Act. He said: I am advised that the object of this Bill is to arm the Commissioner of the Mounted Police with the same powers which have heretofore been vested in the Lieutenant Governor of Keewatin, that is to say, the Lieutenant Governor of Manitoba I presume. It also provides that officers of the Mounted Police shall have certain powers of justices of the peace. If hon. gentlemen desire further time to look into it I have no objection to postpone the second reading, but if not, I move the second reading now and hon. gentlemen can discuss the details of it in committee, if there are any details which appear to them to require special examination, or to which they may take objection.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned until to-morrow at three p.m.

## THE SENATE.

OTTAWA, Thursday, February, 21, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### BILLS INTRODUCED.

Bill (X) An Act to incorporate the Reliance Life Assurance Company of Canada.—(Hon. Mr. Perley.)

Bill (Y) An Act respecting the Midway and Vernon Railway Company.—(Hon. Mr. Bostock.)

Bill (Z) An Act to incorporate the St. Leo Railway Company.—(Hon. Mr. Legris.)

Bill (AA) An Act to incorporate the Ottawa Life Assurance Company.—(Hon. Mr. Kerr.)

Bill (BB) An Act respecting the British American Assurance Company.—(Hon. Mr. Jaffray.)

## FRENCH TRANSLATION OF REVISED STATUTES.

### INQUIRY.

Hon. Mr. LANDRY inquired :

How many persons were engaged in the translation of the Revised Statutes of Canada into the French language before the 1st day January, 1907 ?

How many additional men have been engaged since January 1, 1907, in the work of translation ?

How many days has each translater been engaged on the work, and the names of those employed in the work of translation ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's question are as follows :

1. Three persons, namely : Horace St. Louis, K.C. ; Antonio Perrault, advocate, Montreal ; Alma Grondin, amanuensis, Ottawa.

2. None.

Mr. St. Louis, in the course of year 1906, from January 15 to December 25 did all the translation which is now being revised and prepared for the printer, who has already for distribution 200 pages of printed matter all read and corrected.

## NORTHERN CANADA INVESTIGATION COMMITTEE.

### MOTION.

Hon. Mr. DAVIS moved :

That the special committee appointed to inquire and report from time to time as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky moontains, west and east of the Hudson's bay, comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie territory, its extent of navigable waters, rivers, lakes and sea coast and Ungava and Keewatin Territories, be empowered to send for persons, papers and records and to report from time to time.

Hon. Mr. SCOTT—There is no object in passing this motion provided the original arrangement is observed. It was understood that the cost of this investigation was to be limited to a certain figure. I presume my hon. friend intends to keep within that sum.

Hon. Mr. DAVIS—My attention has been drawn to the fact that we did not take power under the original motion to send for any person. We had to send for one witness, and the object of this motion is to cover that expense and any other that might come up. I might tell the hon. leader of the House, that as far as the committee have gone, up to the present time, there has been very little expense incurred beyond what it will cost for reporting and printing the evidence. We are trying to keep within the estimate if we can. I think we will be able to furnish valuable information to the House.

The motion was agreed to.

## REFUNDING FEES.

### MOTION.

Hon. Mr DAVID, in the absence of Hon. Mr. Béique, moved :

That the fees paid on (Bill J) an Act to incorporate the St. Joseph Transportation Company, be refunded to the promoters of said Bill less the cost of printing and translation.

Hon. Mr. FERGUSON—Is that the practice ?

Some hon. GENTLEMEN—Yes.

The motion was agreed to.

Hon. Mr. DAVID, in the absence of Hon. Mr. Béique, moved :

That the fees paid on (Bill K) an Act to incorporate the Stratford and St. Joseph Radial Railway Company, be refunded to the promoes of the said Bill less the cost of printing and translation.

He said : It was understood in the committee that the promoters of the Bill should be permitted to withdraw it.

Hon. Mr. LANDRY—This Bill is not exactly in the same position as the one that we have just dealt with. One Bill was withdrawn because of an arrangement made with the committee, but the other was thrown out as coming under the exclusive jurisdiction of the local legislature.

Hon. Mr. DAVID—I was told by some members of the committee that they consented to withdraw. It is true there was a disposition on the part of the committee to reject the Bill, but the promoters consented to withdraw it.

Hon. Mr. LANDRY—The preamble was not proved, and the report states that the Bill is rejected because it is entirely within the jurisdiction of the local legislature.

Hon. Mr. DAVID—If there is any objection, I ask permission to postpone the motion until Mr. Béique is here.

Hon. Mr. FERGUSON—It would be drawing a pretty sharp line between these two Bills to consent to one motion and reject the other. However, I would rather see the matter postponed, because we want to be sure that we are not making a precedent. If we establish a precedent of refunding fees to those who come here and fail to get their Bills through, it is one which may prove disadvantageous.

Hon. Mr. SCOTT—We should follow the precedent. It was made perfectly clear before the committee that this Bill was withdrawn, and the unanimous opinion of the committee was that the fees should be remitted, less the cost of printing. The usual practice, since I have been in parliament, has been to refund the fees in cases of that kind.

Hon. Sir MACKENZIE BOWELL—The second Bill, to which the present motion refers, was not withdrawn, because I asked the promoters who were sitting close by me to withdraw it as I was sure it would be defeated, and they refused ; but the refunding of the fee is not setting a precedent. It has been done repeatedly where Bills have been brought before the Commons, and also in this House, and the fee that has been deposited was refunded, less the cost of printing and translation ; there is no doubt about that.

Hon. Mr. POWER—That is the almost uniform practice, and, with respect to this measure, although there is a technical difference between the way in which this Bill was treated and the companion Bill, substantially the treatment was the same. When the promoters saw that the Bill which has been dealt with just now was about to be rejected, they said they would withdraw it, and that statement was not made with respect to this one. But, to all intents and purposes, the two Bills are in the same position, and it might be urged that this Bill which is now under consideration was different from the other, inasmuch as the subject-matter of this Bill came within the provincial jurisdiction. The hon. gentleman will remember that this House, and the other House as well, have been in the habit year after year of passing Bills of just that character, and it would be unfair, I think, to the promoters of this Bill not only to refuse to pass that Bill, but to mulct them in the sum of $150 or thereabouts in addition, under such circumstances.

Hon Mr. LANDRY—I do not object to the motion. I only call the attention of the hon. gentleman to the fact that the reason given was, in my opinion, not a good one.

The motion was agreed to.

## THIRD READINGS.

Bill (40) An Act respecting the Indian River Railway Company.—(Hon. Mr. Roy.)

Bill (13) An Act respecting the Dominion Central Railway Company.—(Hon. Mr. Frost.)

Bill (14) An Act respecting the Georgian Bay and Seaboard Railway Company—(Hon. Mr. McMullen.)

## SPAIN DIVORCE CASE.

### REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. KIRCHHOFFER moved the adoption of the first report of the Standing Committee on Divorce, to whom was referred the petition of Osprey George Valentine Spain, together with the evidence. He said: It is now a month since this report was presented to the House. Owing to the fact that delay in the Printing Bureau prevented the circulation of the evidence, it has stood from week to week, but thanks to the intercession of the hon. leader of the House, who succeeded in getting the Bureau to work, the evidence has all been distributed.

Hon. Mr. LANDRY—I think the hon. gentleman should give us more time.

Hon. Mr. KIRCHHOFFER—It is a month since the report was presented.

Hon. Mr. LANDRY—I beg pardon. The rule says when the report is made, the evidence is to accompany it, and it is not a month since we have had that report. I think the chairman of the Divorce Committee should prove the case and make it clear that the divorce should be given. What I have read of the report does not prove at all that adultery had been committed, and I do not see why the report should be adopted by this House. There is no case at all made out, in my opinion. I think the case presented here would not be accepted by the courts if it had been referred to them.

Hon. Mr. SULLIVAN—Why does not the hon. gentleman get on the committee ?

Hon. Mr. LANDRY—I do not want to get on the committee. I want peace and harmony.

Hon. Mr. KIRCHHOFFER—I really do not see the necessity of my going into details of the matter. Last year this report was not concurred in by the committee, for the reason that there was a collusive agreement between the parties. This year, a Bill is brought in as a new Bill, and very complete evidence was given to the satisfaction of the committee that the respondent and co-respondent were living together in New York, and have been almost continuously since the time the last Bill was introduced. I do not see how any hon. gentleman who reads the evidence at all can for one moment say that there has not been proof that the parties are living in adultery now. The fact that the respondent abandoned her case and did not appear at all, shows that she did not think she had any justification for appearing. I do not think there is any necessity for having the matter delayed any longer .

Hon. Mr. LANDRY—I deplore very much the decision arrived at by the hon. gentleman, of not proving the case he has brought before us. In the evidence now before us, the new facts that are brought before us are simply a visit to a flat on the top of a house by two or three parties looking one night through the windows of a house on the opposite side of the street and trying to find out who was in the house. They saw the shadows in the windows. They went afterwards down to the house, and when they reached the entrance they saw only the lady of the house; the other party they imagined they would meet was not there, and no one has sworn that any evil act took place. Witnesses were asked by members of the committee if they could swear that anything immoral took place, and not one of them could swear that. The rest of the evidence is a repetition of a part of the evidence given last year, upon which the committee passed and decided there was no case. Where are the facts ? That visit of two or three persons one night to the top of a house across the street, looking through the windows——

Hon. Sir MACKENZIE BOWELL—Did they see them going to bed ?

Hon. Mr. LANDRY—No they did not. I move in amendment, that this report be not now concurred in, but that it be concurred in this day six months.

Hon. Mr. WILSON—I will second that motion.

Hon. Mr. FERGUSON—I have not examined the evidence for myself very much, and it is not on a matter of evidence that I wish to make an observation in connection with this case. Last year the committee found that there was a collusive understanding between the parties, and it was on the ground of collusion that they agreed to recommend that the divorce should not be granted. That was the ground which the committee put before the House, I heard legal arguments by the chairman of the committee and by the hon. gentleman from Calgary on that question, and they came to the conclusion that there was collusion, notwithstanding the fact that the respondent, Mrs. Spain, contested the case. She was present with her counsel and fought the case steadily, and notwithstanding that, the committee arrived at the conclusion that there had been collusion, and feeling the force of the arguments used I supported the report of the committee. Now, this year the case comes on, and Mrs. Spain does not appear at all. I do not know that there is any evidence whatever against the fact of their being collusion. To my mind the fact that she appeared last year was somewhat of a strong argument against the theory of collusion; but the fact that she does not appear this year would, as the original evidence of collusion remains, settle the question of there being collusion. I really would like to know how that is overcome ? If the committee came to the conclusion last year that there was collusion, notwithstanding the fact that Mrs. Spain appeared with her lawyer and contested the case, now that she does not appear at all, it would seem that if there was collusion at that time, there must certainly be collusion now. The fact of her remaining away would be a strong proof of that col-

lusion. I have said repeatedly, and I say again, that where there is no evidence set up in defence there should be some intervention such as there is in England, where the King's proctor intervenes to settle this question of collusion. There should be something of that kind. I contend that the fact of collusion, if there is any, should be looked into.

Hon. Mr. WILSON—Before that motion is put, I desire to call the attention of the House to a fact in the same line as my hon. friend from Marshfield did. Last year he said it was shown that there was collusion ample and sufficient to prevent the divorce Bill being granted. We had Captain Spain's evidence stating that there had really been no collusion at all. The evidence of petitioner's solicitor shows that he had entered into an agreement with the respondent that if she would not appear against him when applying for a divorce Bill, certain charges would be dropped. That evidence was ample to prevent the committee granting the application. Now, what additional evidence have we? It may be said that we have the evidence of Captain Spain that there is no collusion, but we had his evidence to that effect a year ago, and it was proved later on that there was collusion. Mrs. Spain has not appeared before the committee this year, and that would tend to show that there was collusion between the parties. There is no evidence of wrongdoing proved on the part of Mrs. Spain. The petitoner has had detectives on the track of his wife and Captain Salmon, spying out where they were every day, and, not satisfied with that, had the Marconi system brought into operation to prove that there was some illicit connection between the two. After all this espionage the utmost they can prove is that they saw the shadow of two figures against the window curtain, but they could not swear whether one of them was Captain Salmon or the negro porter. Are we to condemn Mrs. Spain or Captain Salmon on such evidence? Detectives had been watching them day in and day out from the very moment the Bill was thrown out last year, and yet not a tittle of evidence has been produced to show criminality between the respondent and the co-respondent. It is only on the best possible evidence of guilt that a divorce should be granted. I have followed the proceedings in this case carefully, and have read the evidence, not only what was taken this year but of last year also and I fail to find anything to sustain the demand of the petitioner. If we are to condemn people on circumstantial evidence, we had better cease to be a Divorce Committee and let the courts, which would not do an injustice of this kind, act in divorce proceedings in future.

If we adopt this report, we recognize the principle of granting a divorce on circumstantial evidence, and when the Bill comes up, we cannot reject it because it is based on this report. I condemn the placing of spies on the track of people who are suspected of wrong-doing without cause, and we should receive with a great deal of caution the statements of detectives in such cases. They are employed to do a certain work, are paid for it and their aim is to prove what they suspect. The detective was a hireling employed by Captain Spain to injure the reputation of his own wife and blacken the character of his own son. If we had evidence of guilt, I should vote for the Bill, but, until we have reasonable evidence of the respondent's guilt, I am here to raise my voice and to vote against any resolution to condemn the parties until I am satisfied they are really guilty. I shall, therefore, support the amendment.

Hon. Mr. McMULLEN—I happen to be a member of that committee, and I must express my amazement at the views stated by the hon. gentleman from St. Thomas. If ever there was a case before this House deserving of consideration in the matter of divorce it is the case of Captain Spain. If the evidence in this case is not sufficient to establish the guilt of the respondent, I should like to know how you are ever going to find satisfactory evidence in such cases. These things do not take place on the house top; they do not occur in such a way that they can be viewed. I contend that the evidence submitted is clear beyond all question. It was clearly proven that Mrs. Spain was seen and recognized——

Hon. Mr. McMILLAN—From the house-top

Hon. Mr. McMULLEN—That she and Captain Salmon were fully recognized by two or three witnesses, and the relations between them were seen. This is clearly shown in evidence, and any one who will read it carefully, unless he is opposed to divorce under any circumstances, must feel it is his duty to support the Bill. My hon. friend from St. Thomas has intimated that it would be better to try these cases before a court of law. It is not for us to say that. Under the constitution of the country that duty has been imposed upon us, and we are simply doing our duty under the law as it stands. I should be glad indeed if divorce proceedings could be taken out of the hands of the Senate; but so long as we have to deal with divorce we must discharge our duty faithfully. The members of the Divorce Committee are honestly desirous of doing their duty as a juror would discharge his duty in a case of life and death. We have been unanimous in our conclusion, with the exception of the hon. gentleman from St. Thomas, who appears to differ from us on almost every case. We have to put up with that. The House has placed him on the committee. I do not say that he is not conscientious in the course he takes, but I claim there never was a case before the committee, since I have been a member of it, in which the petitioner was better entitled to a divorce. I am not going to say that perhaps Capt. Spain in the early stages of the troubles between himself and his wife was not to blame. I believe there was a good deal of dissipation on his part that tended somewhat to interfere with the good feeling that should prevail between man and wife, but that has been all dropped. He has kept away from it completely and set a good example in abandoning bad habits. He is now discharging his duty faithfully as an honest citizen of this Dominion and an officer of the government. Under all the circumstances, and in view of that evidence, if the House does not grant this divorce there is no hope of getting a divorce Bill through at all.

The Senate divided on the amendment which was rejected by the following vote.

Hon. Mr. McMILLAN.

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The SPEAKER—The question is now on the motion for concurrence in the report.

Hon. Mr. LANDRY—I object to the report being concurred in. The evidence laid before us is not complete. At page 52, we find that exhibit No. 1 is given, but exhibits 2, 3, and 4 do not appear at all.

Hon. Mr. ELLIS—The hon. gentleman concurred in the House dealing with the report, and he cannot move an amendment now.

Hon. Mr. LANDRY—I did not concur in the report. I made a motion expressly not to concur. I still have a right to make any objection at any stage. I raise the point of order that the report is not complete.

Hon. Mr. LOUGHEED—There is no evidence that the report is not complete. The mere fact of the statement of the exhibits does not establish the absence of them, or that such exhibits exist.

The SPEAKER—Has the hon. gentleman any other objection?

Hon. Mr. LANDRY—The point is this; we have a report that is a public document, and I say it is not complete. There is only one exhibit given.

Hon. Mr. LOUGHEED—There is no evidence of that.

Hon. Mr. LANDRY—And all the theory of the committee is based precisely on the plans put in as exhibits 2, 3 and 4.

The SPEAKER—I declare the point is not well taken. The question is on the motion for the adoption of the report.

Hon. Mr. LANDRY—I think when the Speaker gives his decision, he should state the reason.

The SPEAKER—For two reasons; first, I have no means of deciding the question of fact, and the second is that the motion has been put.

The motion was carried on the same division reversed.

## SECOND READINGS.

Bill (13) An Act respecting La Compagnie du chemin de fer de Colonisation du Nord.—(Hon. Mr. Thibaudeau, de la Vallière.)

Bill (24) An Act respecting the Orford Mountain Railway Company.—(Hon. Mr. Mitchell.)

Bill (29) An Act to incorporate the National Accident and Guarantee Company of Canada.—(Hon. Mr. Coffey.)

Bill (37) An Act respecting the Royal Victoria Life Insurance Company.—(Hon. Mr. Forget.)

Bill (38) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Ross, Moosejaw.)

Bill (49) An Act respecting the Central Counties Railway Company.—(Hon. Mr. Edwards.)

Bill (53) An Act respecting the Dominion Fire Insurance Company.—(Hon. Mr. Davis.)

Bill (64) An Act to incorporate the Alsek and Yukon Railway Company.—(Hon. Mr. Ross, Moosejaw.)

## CANADIAN PACIFIC RAILWAY COMPANY AND BRITISH COLUMBIA ELECTRIC RAILWAY BILL.

### SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of :

Bill (52) An Act to confirm certain agreements between the British Columbia Electric Railway Company, Limited, the Canadian Pacific Railway Company, Lord Strathcona and Mount Royal, and Richard B. Angus, and between the Canadian Pacific Railway Company, the British Columbia Electric Railway Company, Limited, the Vancouver and Lulu Island Railway Company, Lord Strathcona and Mount Royal, and Richard B. Angus.

He said : This Bill refers to certain agreements that have been entered into between the British Columbia Electric Company and the Canadian Pacific Railway Company, and the individuals mentioned in the Bill with reference to the operation of three or four roads. I am not familiar with all the details of the agreements, but they are set forth in a very lengthy document which is attached as a schedule to the Bill, which I presume can be scanned more readily in the committee.

The motion was agreed to.

## ANNUITY COMPANY OF CANADA BILL.

### SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (65)) An Act respecting the Annuity Company of Canada.

Hon. Sir RICHARD CARTWRIGHT—I would remark to my hon. friend that I think he would do well to change the title of this Bill. In calling it an annuity Bill, it is quite possible that it may conflict with some legislation which may be introduced at no very distant date by the government, and I think the title would require to be changed. It may be done in committee, and I do not want to prevent it going there.

Hon. Mr. YOUNG—This is not a new Bill.

Hon. Sir RICHARD CARTWRIGHT—I know that, but it may be expedient to change the title.

Hon. Mr. YOUNG—Speaking from memory, I think there was some difficulty about the title, and this one was selected, not the original choice, but selected as the one which would least conflict with existing legislation. If it is necessary, the title should be changed, I would not take the responsibility of doing it.

Hon. Sir RICHARD CARTWRIGHT—We can consider the matter when it goes into committee.

Hon. Mr. FERGUSON—I think the title of the Bill should be changed. We may hereafter have a great many annuity com-

panies in Canada. We might just as well call a company the insurance company.

The motion was agreed to.

## INTERCOLONIAL AND PRINCE EDWARD ISLAND RAILWAYS EMPLOYEES' PROVIDENT FUND BILL.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (68) An Act to establish the Intercolonial and Prince Edward Island Railways Employees' Provident Fund.

He said : This is a Bill for the purpose of providing a fund out of which aged employees of the Intercolonial and Prince Edward Island railways may be pensioned. Something similar to this, I am advised, has been provided by the various great railway corporations in Canada. The important point in this is that the government will be asked to contribute a certain sum, not, however, to exceed $100,000 in any one year towards this fund, the remainder being provided by contributions of the employees themselves. The Bill is one of very considerable length, and I presume it will serve all purposes better to discuss the matter in committee, always provided that the House approves of the principle. I may add that my hon. friend the Minister of Railways is strongly of the opinion that no extra cost will be inflicted on the country, because, as he informs me, there are a very considerable number of aged employees who cannot very well be turned out into the streets, but whom it is designed to pension off at the earliest opportunity for the more efficient working of the railway. The House will note that due precaution is taken, at least all the precaution I think that can be taken, to prevent this privilege from being abused, and they will also observe, as I said before, that the railway employees themselves will be expected to contribute to this fund in certain fixed proportions. I do not want to press this matter if my hon. friends wish time to consider it, but if they prefer to adopt the details of it in committee I will move the second reading.

Hon. Mr. LOUGHEED—Can my hon. friend say to what extent this Bill is modeled after the Superannuation Act, or whether it is modeled after the form of some of the superannuation provisions of the railways referred to ?

Hon. Sir RICHARD CARTWRIGHT—I understand they have followed very largely the provisions which are actually used by the great railway corporations to which I have referred, the Canadian Pacific Railway and the Grand Trunk in particular. I have not got the exact details of these, but that is my information in a general way. It has but very little analogy to the superannuation as it now stands on our statute-book. It is intended to be a railway pension fund in accordance with the practice which prevails on other roads, and, as I have mentioned, it is recommended by the Minister of Railways more especially on the ground that it will permit efficiency, and really will save money to the country instead of losing it. Also my hon. friend will notice that the sum that the government may contribute is limited—strictly not to exceed $100,000.

Hon. Mr. LOUGHEED—Do the superannuation allowances closely approximate those allowed by the railways I have referred to ?

Hon. Sir RICHARD CARTWRIGHT—I understand so. I understand they have seen the model on which this is based, and I am also advised that this has been the result of long and very careful deliberation between railway authorities and railway employees themselves. In fact it is a Bill introduced, I may say, by both parties, or certainly with the consent of both parties.

Hon. Sir MACKENZIE BOWELL—I suppose the difference between this and the Superannuation Act would consist in the fact that under the Superannuation Act the clerk or employee of the government has to be in the service for a certain number of years, and then, if there is a difficiency in the sum itself, that is paid out of the general fund of the country. In this case, if I understood the hon. gentleman aright, the government proposes to limit the contribution to $100,000 ?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Sir MACKENZIE BOWELL—That, I suppose, would be paid in at once ?

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Sir MACKENZIE BOWELL—To enable the government to superannuate the older employees to whom they have referred, who may have been in the service for a great number of years, but who have never paid anything and could not pay anything on account of their age and the fact of their being superannuated at once. That is the difference I suppose ?

Hon. Sir RICHARD CARTWRIGHT—A portion would go to that purpose, but I understood from the Minister of Railways that they did not expect in the first instance to require the amount here named, that that is the maximum amount that would be required, according to his calculations.

Hon. Mr. McMULLEN—I regret very much that the condition of things on the Intercolonial Railway appears to be such it becomes necessary for the government to suggest a method of this kind to retire a number of servants. We know that the Intercolonial Railway for a number of years has been loaded down with many officials without whom it could get along just as well. That has been the case for many many years, and I have no doubt it is the case to-day.

Of course if we are dealing with this question along the lines that have been taken by the Canadian Pacific Railway and the Grand Trunk Railway and other lines, it is not so bad as it might be if there was no precedent at all for it on any important railway. I admit that there ought to be some little sympathy for men who have been for many years in the public service and have nothing to retire with. However, on looking over the official list of the Intercolonial Railway and comparing the payments, with the payments made to men on other lines, I think hon. gentlemen will find that they are about as well paid as any ordinary class of individuals in Canada, and they ought to be required to find a resting place for themselves in their old days in place of being pensioned on the country. However, they may have accumulated and there may be so many old men now on the road that it may look harsh, as the minister said, to turn them out without anything. No doubt the country should deal charitably with men of that stamp under these conditions. The point raised by the hon. member from Belleville is one that is worthy of consideration ; that is, those people have not contributed at all to the fund and when immediately placed on the superannuation list will reap all the advantages of superannuation, without having contributed one dollar. It is a pity we should have to consent to the system being inaugurated with that feature to begin with, because if they are allowed to draw without having contributed anything out of their salaries towards the fund, others will say that they are not fairly dealt with, if they have to contribute for a number of years out of their wages, and then, perhaps, after all, get a very limited amount in the way of retiring allowance. But in all those things there are difficulties to be met with that, perhaps, are hard to get over. I hope this measure will prove to be advantageous. The minister says that he has the assurance from the Minister of Railways that it will. I hope it will tend to reduce the gross amount spent on the operation of the Intercolonial Railway. We are all looking forward hopefully to that road making some return to the people of this country for the very large amount that is sunk in it. We have a right to expect something of that kind. I notice that it has been said, on more than one occasion, that the canals of this country stand in about the same relation to the treasury, as the Intercolonial Railway is. I do not agree with that. The British government spent nearly five million dollars on the canals of this country before Canada got responsible government, and after that we expended millions in extending the canals. That is quite right, but the British government, through their representatives, stepped in and made a treaty with the United States with respect to our canals that virtually destroyed their earning powers. The British government has never stepped in to destroy the earning power of the Intercolonial Railway, and, if they had not destroyed the earning powers of the canals they would now be making a fair return to the country, but under the circumstances we have to bear the burden. It

is therefore necessary to say that the canals are no offset to the Intercolonial Railway. They bear no relation whatever to one another in any shape or form. Canada has a right to expect a return for the eighty millions spent on the Intercolonial Railway. The accommodations and the privileges—I do not grudge them to the people of the lower provinces, are better than are provided for any of the people of this Dominion.

Hon. Mr. ROBERTSON—No, no.

Hon. Mr. McMULLEN—Better and cheaper. The Minister of Railways admitted last year that the accommodation accorded was cheaper and better than that given to any of the other provinces. As you say, we should look for some better returns from the Intercolonial Railway. We have a right to expect it. I hope this will be a step in the right direction. I am not going to challenge the statement of the minister, and I hopefully express for the Minister of Railways that it will accomplish that end. I hope it will, but I have some doubts. I think it may inaugurate a method by which very large expenditures may be saved to the country in the management of the Intercolonial Railway.

Hon. Sir RICHARD CARTWRIGHT—I would just state to my hon. friend that the point which I took, that some parties will be superannuated without contributing anything to the superannuation fund is inevitable, when you ask for a superannuation system at all. My hon. friend, I think, was not in parliament when the first superannuation scheme was introduced in Canada, and I remember that that precise point was taken, but it was felt then, and it seems to be in the nature of the case, that a certain small number of the oldest employees must receive a little extra benefit in this way. I do not think, however, that the number will be enough to materially affect the treasury.

Hon. Sir MACKENZIE BOWELL—The calculation of the Minister of Railways is $58,000 for that purpose.

Hon. Sir RICHARD CARTWRIGHT—I think it is something of that kind. He did not expect to use the whole of the $100,000.

Hon. Mr. FERGUSON—It is quite true, as stated by the right hon. Minister of Trade and Commerce, that this question has been up for many years. I have had communications myself from railway men about it for many years back, although it is only now that a basis of agreement has been arrived at. I am very glad to hear that the government, and all concerned, have studied the system of pensions in vogue on the great railways of the country, and I think when they follow that system they will be very likely to arrive at a fair and reasonable basis. One point had been raised;—I have a letter myself from a railway man who is affected—that since the principle of this Bill was practically conceived by the Minister of Railways, but before the measure was ready for submission to parliament, some of the aged men have been retired, and retired against their will and that they are cut out while others have been retained in order to get the benefit of this superannuation. I hope that there has not been any wrong or injury done that way. However, when we get into committee, I have no doubt the hon. minister, being aware that this point has been raised, will be able to make explanations to the House with reference to it. My hon. friend from Wellington never allows an opportunity of this kind to escape without entering on a sectional argument that some other part of the Dominion is reaping very great advantages at the expense of the part from which he comes. I am not going to discuss here, and I do not think this Bill properly calls for such a discussion, whether the rates on the Intercolonial Railway are very low or otherwise; but I am ready to make this statement very emphatically, that if the rates are low, the people of the upper provinces benefit from them very much more than the people of the lower provinces do; and for this reason, that the Intercolonial Railway has opened the markets of the lower provinces to the manufacturers of the upper provinces. They have taken advantage of it, and have established there a trade that they never could have got without the Intercolonial Railway. The freight furnished by the maritime provinces for the west, with the single exception of coal, bears higher proportionate charges as compared with the freight sent to the maritime provinces from the west. My hon. friend, and

his friends in the upper provinces, have gained enormously ever since the opening of the Intercolonial Railway and the establishment of confederation, by securing a market in the lower provinces which they never could have got without it, and if the rates have been low they are the principal gainers.

The motion was agreed to, and the Bill was read the second time.

## SECOND READINGS.

Bill (74) An Act respecting the Athabaska Northern Railway Company.—(Hon. Mr. Davis.)

Bill (W) An Act to incorporate the Travellers Indemnity Company of Canada.—(Hon. Mr. Edwards.)

Bill (48) An Act respecting the Canadian Northern Quebec Railway Company.—(Hon. Mr. Choquette.)

## CRIMINAL CODE AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (85) An Act to amend the Criminal Code. He said : This is a short Bill of four lines, which proposes to amend section 432 of the Criminal Code. In that part of the Code provision is made for certain marks of the Militia Department. For instance, candles are marked with blue and red cotton threads in each wick. In this case the mark is to be the broad arrow within the letter C.

Hon. Mr. LOUGHEED—Are all the militia stores indicated by particular marks ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—And are those marks indicated in the Act ?

Hon. Mr. SCOTT—They are. For convenience I suppose, and for the sake of brevity, certain articles are named by a letter instead of by a number of words.

The motion was agreed to, and the Bill was read a second time.

## NATIONAL TRANSCONTINENTAL RAILWAY BILL.

### IN COMMITTEE.

The House resolved itself into a Committe of the Whole on Bill (86) 'An Act respecting the National Transcontinental Railway.'

(In the Committee.)

Hon. Mr. SCOTT—The object of this Bill is to apply what is known as the Wages Liability Act to the National Transcontinental Railway, giving powers to the commissioners to assume the same prerogative the minister exercises. The Wages Liability Act makes this provision, that if a contractor on a public work carried on by the government of Canada fails to pay the labourer, the labourer may file his claim in the department with the minister, and, if it is found that the claim is a just one, it is deducted from the contractor's payment whenever payment is due. It is applying the same principle to the National Transcontinental Railway. It is to provide that contractors cannot deprive labourers of their wages.

Hon. Mr. McMILLAN—Does it apply to sub-contractors ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

## NAVIGATION OF HUDSON BAY.

### DEBATE RESUMED.

The Order of the Day being called :

Resuming the further adjourned debate on the motion of the Honourable Mr. Ferguson : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency may be pleased to lay on the Table of this House, copies of all reports and communications in possession of the government not already submitted to parliament, regarding the navigation of the Hudson's bay and the resources and climate of the territory contiguous thereto, also copies of all grants of fishing, mining and lumbering rights, given at any time, by the government, in the said bay and territory ; also copies of all reports of surveys received by the government from either engineers, surveyors or geologists, on the feasibility of railway routes, connecting any existing or prospective railway with any port on Hudson bay or James bay ; in aid of such railways. Also, copies of all reports received by the government in relation to the establishment of lights or other aids to navigation of Hudson bay and Hudson straits, and also a statement showing what action, if any, has been taken by the government regarding the establishment of such aids to navigation.—Hon. Mr. Talbot.

Hon. Mr. TALBOT said :—I was very much pleased when the hon. member for Marshfield introduced the motion that

is now under discussion. Such a motion could not have been in better hands, and I congratulate him on the able manner in which he has dealt with the subject. He has furnished us with a mass of very useful information regarding an interesting and important part of our country. We Canadians have, in the past, been very slow in learning facts regarding Canada. It is only recently that we have begun to realize the enormous resources of our own country. In the past, we knew more about the rivers flowing into the Mediterranean sea than of those flowing into the great Canadian sea. We knew more of the rivers flowing into the Gulf of Mexico than of those flowing through our own country into the Arctic ocean. We knew more of the Nile, the Amazon and the Mississippi than of the mighty Mackenzie and Saskatchewan.

So, I was pleased when the hon. member introduced his motion, for I knew the discussion would lead to the dissemination of information regarding Hudson bay and the country around it.

The lack of reliable information regarding our country in the past has greatly retarded its development. I suppose every hon. member in this House remembers the time when it was thought that the only part of northwestern Canada in which wheat could be produced was the valley of the Red River. But year after year for the past 25 years, the settlers of the west have proved beyond any doubt by actual 'delivery of the goods', that the wheat producing area is very extensive. At the present time that area may be defined as extending from the eastern boundary of Manitoba to the foot hills of the Rocky Mountains, a distance of 1,000 miles, and from the American boundary to township 60, a distance of 360 miles, or 360,000 square miles.

That does not include the great Peace river country which, in parts, is also capable of producing splendid wheat; but as I do not know what extent of the Peace river country is capable of producing wheat, I have left it out of consideration. Now that area extending 1,000 miles from east to west, and 360 miles from north to south, or 360,000 square miles, is certainly an enormous tract of territory. I do not want to be understood as saying that the whole of that area is a good wheat country, but I do say that a large percentage of it is capable of producing splendid wheat and other cereals. It is difficult to realize what an area of that size really means. Perhaps a few comparisons would help us. That area then, containing 360,000 square miles, is 180 times the size of Prince Edward Island; 17 times the size of Nova Scotia; 13 times the size of New Brunswick; 12 times the size of Ireland; 2 times the size of France; 4 times the size of England, Scotland and Wales combined; 2 times the size of Spain; 24 times the size of Denmark. The portion of western Canada we are speaking about is being rapidly settled. Its resources are becoming known. The remakable fertility of the soil is attracting much attention. The increase in population in the last five years is remarkable.

Population of Manitoba, Saskatchewan and Alberta: 1901, 419,512; 1906, 808,863.

That is, the population of that part of the country we are speaking about has almost doubled in the last five years. Some years ago agriculture there was in what has been called the experimental stage. The farmers did not grow a great deal of wheat. Each farmer would have perhaps a few acres. They were testing the conditions of the country. They found that it could produce wheat, and they had enormous yields. The result was that they went more extensively into it. With the increase of settlement and the increased acreage under cultivation we are now producing enormous quantities. It is quite a common thing at the present time to find farmers who have hundreds of acres in wheat, and this last season it was easy to find farmers who had threshed from 25,000 to 50,000 bushels of wheat. The total yield of wheat in 1906 in the area described was between 85,000,000 and 100,000,000 bushels, and there is no doubt that if we should have a fair season in 1907 the yield will be a great deal more than that, as we will have a much larger area under wheat. The difficulty that we in the west now experience is in getting our products to market. The railway companies have for many years been, no doubt, making vigorous efforts to handle the products of the west; but it must be admitted that they have not succeeded very well. For several years in

succession we have had grain blockades. The railway companies could not take the grain to market. This year the condition of affairs is what the people of the west consider practically unbearable. It has been stated, and I believe it is the fact, that not over 25 per cent of the wheat grown in those provinces during 1906 has yet been handled, and it is doubtful if the crop of 1906 will be marketed before the crop of 1907 is threshed.

Hon. Mr. FERGUSON—What proportion is now handled ?

Hon. Mr. TALBOT—About 25 per cent I believe. Now, if you take into account the loss to the farmers on account of this, it is something very serious indeed. The farmers are unable to take their grain to the railway stations in winter time. They are thus forced to do it in the summer when their men and their teams should be employed at the farm operations. The hon. gentleman from Wolseley expressed that very well a few days ago in speaking on this same question. But the wheat growers are not the only ones to suffer. The cattle growers and others, in fact all farm produce is in the same position. A rancher will go to the expense and trouble of rounding up thousands of cattle, and selecting perhaps 1,000 steers which he wishes to send to market. He will drive them many miles to the railway station, only to find that he will have to wait there for, perhaps, weeks before he can get a train to take the cattle away. The result is, he either has to let them go and be at an enormous expense in again collecting them, or he has to hold them in a range to which they are not accustomed, and they lose flesh there, and are much lighter in weight when shipped than they would have been if he could have got the cars when he was ready for them. Then the merchant will order manufactured goods, &c., from the east, and he finds he does not get them for many months after they are ordered. I personally know instances of merchants ordering Christmas good last summer. They got the invoice for the goods in October, but the goods did not reach their destination until Christmas day had gone by. So that the loss to the wheat growers, the ranchers, the farmers in general, the merchants and to the general public is very great indeed throughout the entire west, on account of the inability of the railways to handle the produce of the country. The people of the west have been looking for relief. How are they going to get over this difficulty ? For many years some of them have been discussing what is known as the Hudson Bay route. Many who have given the question a great deal of consideration, consider that the route is quite practicable, and believe that it should be opened up. We are not so very far indeed in that part of the country, from the Hudson Bay. The most northerly railway we have is the Canadian Northern Railway. That company has a line running from the city of Winnipeg to Edmonton ; then from the town of Warman in the province of Saskatchewan they have a branch to Prince Albert. From the city of Prince Albert they have a branch running southeast to lake Winnipegosis. On this branch, at a point near the northwestern corner of the province of Manitoba, is what is called the Hudson Bay Junction. In a northeasterly direction from that the Canadian Northern Railway people have started building a road towards Port Churchill. That road has almost reached—in fact is partly constructed to what is called the Pas on the Saskatchewan river. Now from the Pas to Port Churchill is only 400 miles. The nature and character of the country from the Pas to Port Churchill is well known. The Canadian Northern surveyors have gone over the ground carefully. Members of the geological department of the Dominion of Canada have also been over that proposed route, and report that there is no serious obstacle in the way of building a line between those two points. In fact, it is said to be remarkably easy, considering what they expected it to be. The character of the country through which the road would run is not, on the whole, good from an agricultural standpoint. There is a certain area, about 10,000 square miles which would make fairly good agricultural lands. The remainder of it is not good for agricultural purposes. But it has other resources. Through 40 miles of that distance there is a vast bed of limestone, which is said to be one of the best samples of building stone that we have in the western part of Can-

ada, and, no doubt, when that road is built vast quarries will be established there, and the people of the west will use the limestone for building purposes.

The port at Churchill itself is admitted by all who have seen it to be one of the best in Canada. It could with very little expense be made a capital port. I will not say a great deal about the climate in that locality, but I would like to repeat some figures given by the hon. gentleman who made this motion. He has gone to a great deal of pains, and the figures will bear repetition.

The temperature of the water in Hudson Bay during July, August and September, is 53° F.

The average temperature of five streams flowing into Hudson Bay was during July, August and September, 61° F.

The average temperature of the air during the same three months was 62½° F.

Now those who have taken the pains to find out the average temperature in other places which are considered as having a splendid climate, will be surprised to know that the climate in parts of Hudson Bay district will compare favourably with those of other places that are considered much better. I have mentioned that Churchill harbour was an excellent one. The approach to it is deep and wide. The harbour itself is a mile long and half a mile wide, and its depth from 24 to 30 feet.

The average date of opening the harbour from years 1824 to 1894 was June 19.

Earliest date of opening, June 5, 1863.

Latest date of opening, July 2, 1866.

Earliest date of closing, November 1, 1837.

Latest date of closing, December 4, 1861 and 1885.

There is no doubt that as far as the harbour is concerned or as far as the bay is concerned, very little difficulty would be experienced in using them for nearly six months of the year.

The southern part of the bay is not very favourable I suppose, even in a good part of the summer for navigation, but it is a part that we would not require. From the mouth of the Nelson river to Cape Henrietta Maria, near the entrance to James Bay, the shore is very flat and level, and the water is shallow. When the tide recedes it leaves bare a shore of some six miles. The storms of winter force the ice from the northern parts down there, and it is piled up in immense masses and remains there for a long time; but the character of the bay is entirely different north of the mouth of the Nelson river. There it is deep water, or in other words the shore is abrupt from the mouth of the Nelson north, and they are not troubled with summer ice the way they are in the south. Unfortunately, however, the Hudson strait itself is probably the most difficult part to navigate; but taking everything into consideration and from all the reports I have been able to find, the navigation of the strait would be safe, or comparatively safe, for at least four months of the year.

The people of the west would like to see a railway constructed from the Pas on the Saskatchewan river to Port Churchill. It would be about 400 miles in length. They would like to see erected at Port Churchill elevators for the storage of grain. Some hon. gentleman in speaking of this road said it would be used for only three or four months of the year. Now, that would not be the case at all. We now have elevators at Fort William, where wheat is stored for the winter, and we can just as well have them at Port Churchill; then the railway from the Pas, or from the area I have mentioned, to Port Churchill, could be run the entire year and store the grain there. I believe that a certain portion of each season's crop could be moved to Liverpool the fall in which it was grown, for we would have at least two months of the season in which the ships could manage to get through the bay and strait before the close of navigation, and then in the winter time the farmers could take their wheat to the stations and the train could take it on to Port Churchill to be stored in the elevators for the next year. We expect as a result of this that we would be sure of getting our produce marketed before the spring work begins. This would give people more confidence in the country, some are already asking 'what is the use of growing grain if it cannot be disposed of?' The opening of this route would give such an impetus to the development of the west that our past record would be as nothing to it. We think that the prosperity

of the whole of Canada depends on the development of the west. If the farmers of the west have not proper shipping facilities, then the development of the west is interfered with and the prosperity of Canada is checked. We believe that the prosperity of Canada for the last ten years was caused chiefly by the development of the west, and we would like to see this prosperity continued.

By the proposed route, a haul of our grain for a distance of over 1,000 miles would be dispensed with. Churchill is as near the centre of the western wheat belt as is Fort William, and Churchill is as near Liverpool as is Montreal. We would thus save the haul from Fort William to Montreal or a distance of 1,000 miles. The rates charged by the railway companies on grain for the distance are as follows :

Wheat from Saskatoon to Montreal, in carload lots, lake and rail—39 cents per one hundred pounds.

All rail, 44 cents per hundred pounds.

From Saskatoon to Fort William, 24 cents per one hundred pounds.

Lake and rail, Fort William to Montreal, 15 cents per one hundred pounds, or 9 cents. per bushel.

All rail from Fort William to Montreal, 20 cents per one hundred pounds or 12 cents a bushel.

Now if we can save 11 cents a bushel by this route it would be an enormous saving to the people of the west. Suppose that we have this year one hundred million bushels of wheat, and that the proposed route were now available, and that we sent half of it by that route, then the farmers of the west would have the snug sum of $5,500,000 more than they have now to spend in the eastern provinces on your manufactured goods, &c. All the eastern part of Canada would gain by that increase. But wheat is not the only product on which there would be a saving.

It costs $13.20 to ship an average steer from Saskatoon to Montreal, or about $8 to ship it from Fort William to Montreal. The proposed route would save this $8 per head, and increase the purchasing power of the western farmer by several more million dollars besides saving a thousand miles of a rough, hard trip, which is the severest part of the journey between the west and Liverpool. In conclusion, I may say, the opening of this route would be an immense benefit, not only to the western part of Canada, but to the whole Dominion.

Hon. Mr. DAVIS moved that the debate be adjourned until Tuesday next.

The motion was agreed to.

BILL INTRODUCED.

Bill (CC) An Act for the relief of Osprey George Valentine Spain.—(Hon. Mr. Watson).

The Senate adjourned until to-morrow at 3 p.m.

## THE SENATE.

OTTAWA, Friday, February 22, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (DD) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Talbot.)

FRENCH TRANSLATION OF MILITIA ORDERS.

Hon. Mr. LANDRY inquired of the government :

Do the military authorities intend to give the militia soon a consolidated edition of the regulations known under the name of 'The King's Regulations and Orders for the Militia of Canada' ; and, if so, will the militiamen of French origin have the benefit of a French version of those regulations ?

Hon. Mr. SCOTT—The King's Regulations and Orders for the Militia of Canada are being revised by officers of the headquarters staff as expeditiously as possible, and, as soon as possible after the revision is completed, copies of the Regulations and Orders in French will be issued.

QUESTIONS OF PRIVILEGE.

Hon. Mr. SULLIVAN—Before the Orders of the Day are called, I ask permission to make a few remarks on a personal matter. When the vote was taken yesterday on the Spain divorce Bill, the moment my name was called a jeering cry went up

from the hon. member from Stadacona, which was sustained in chorus by some others, and, after the sitting had closed, some hon. gentlemen were speaking about my relations to a church. I am a Catholic, and I understand the doctrines of the Catholic Church. I am not in favour of granting divorce, and I am in accord with the church and its doctrines on this subject. Ever since I have been in the Senate, I have decided, on reflection, that it was the duty of every Catholic in the Senate to be neutral in these cases ; that inasmuch as a Roman Catholic cannot give an impartial vote, by reason of his conscience and the doctrines of his church interfering with the exercise of his judgment, that he should abstain from voting. I have steadily pursued that course ; I have never read a line of the divorce cases, nor of the case which came up yesterday until a few hours ago when I looked at one page of it. I have never been present at a sitting of the committee ; so that I have tried to carry out the rule of conduct which I have laid down for myself. I consider this divorce tribunal is one of the bulwarks of the morality of this country, and that it would be a grave and serious matter if it were abolished. People say there should be a divorce court. Well that would only multiply the evil, tenfold. It would be a temptation to people who do not think of such a course now to apply to the courts if they were at hand. They talk about poor people, and say that they cannot procure a divorce, that it is a relief only for the rich. I do not believe in that complaint. Divorce is a luxury, in a sense and luxuries are only for the rich, and it is for the good of the people that they cannot obtain it. It only increases their morality and their chances of heaven if they have not an opportunity to go to a divorce court. Holding these opinions, I voted yesterday, not in favour of divorce. I draw the line as definitely as I can. If I voted in the same way as the hon. gentleman from Stadacona, and some other Catholics here did, against the report of the committee, I would be doing what I would consider wrong, and my conscience would reproach me, because I would be doing an act which would be one of the means of destroying or helping to destroy a tribunal which I say is one of the best possible safeguards of the morality of the people. Therefore, I voted to sustain this committee on that ground. I did not vote for or against divorce ; I ignored the question altogether, but I voted to sustain the committee, because I believe they have done the best that could possibly be done under the circumstances. Apart from that altogether, I do not want to do anything that would in the slightest degree tend to destroy the Committee on Divorce. The gentlemen who compose that committee have a laborious and disagreeable duty to perform, and I have always expressed myself that they ought to get a special remuneration for the large amount of time and thought, and the disagreeable, I may say unclean, duties which they have to perform. These are my sentiments, and I take this occasion to state them, because wrong was attributed to me, and I thank the House heartily for this opportunity given me to set myself right.

Hon. Mr. LANDRY—As my name has been mentioned in the explanation given by the hon. gentleman, I wish to say a few words to accept the explanation of my hon. friend. If this were a matter of science or reason we might discuss it, but since it is a matter of conscience with the hon. gentleman I cannot interfere. It is a matter of conscience with me also, and he must allow those of us who differ from him to hold another view. It is a question of principle for us, that principle being by any means to defeat divorce. I never thought the best way to defeat it was to vote for it. It is a strange way to prevent divorce.

Hon. Mr. DAVID—I rise to a question of privilege. I want to call the attention of this House to an article which has been published in the Galt 'Daily Reporter', and reproduced in the Montreal 'Gazette', It is proper to refer to such accusations before the House, in order that other papers may not do equal injustice. After reproducing part of an article in the 'Globe', the Galt 'Reporter' says :

It is not unfair to say that Quebec is almost entirely out of sympathy with the progressive, self-reliant and well-informed parts of the country. That province has few men who have any conception of the duties appertaining to honest and purposeful municipal life. Its representatives in parliament are mostly the tools of corporations. They read corporation organs. They represent constituencies with a deadened sense of public responsibility. They

live in an atmosphere of graft and they kowtow to the rich men who control franchises. It will not be admitted for one moment that our municipal interests, any part of them, are safe in their hands. The doctrine of provincial rights was never more in need of an emphatic declaration in Ontario than at the present time.

I am not called upon to defend the representatives of the province of Quebec in the House of Commons, but as regards the action taken by the senators from Quebec in connection with municipal and provincial rights, I think I have a right to say that this article is unfair, unjust and untrue. I appeal to hon. gentlemen to say whether those accusations are justified by the record of the proceedings of this House. I have even a right to go further and to say that if our rules have been modified to protect municipal and provincial rights, it is due in great part to the efforts of the representatives of Quebec, and, especially, the hon. gentleman from De Salaberry. I will add only one further remark, and it is, that such articles do not tend to promote good-will, peace and harmony between the different nationalities of this country.

## INSPECTION OF ELECTRICITY BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (P) An Act respecting the inspection of Electricity.

He said: We have already an Act on our statute-book authorizing the inspection of electricity. Some changes are required to be made in the Act, and it was thought better, instead of amending it, to embrace what was law and what is intended to continue as law, in one measure, allowing the amendments to come in that way rather than having a short Bill with the amendments only. The object of the Bill is to enable the Department of Inland Revenue to appoint inspectors wherever elctricity is used. Heretofore the inspection of electricity has been limited to light, but electricity is now so much used for power that it is thought proper to extend the inspection to power also. I shall be happy, when the House is in committee on the Bill, to point out the changes in the law. It makes no changes in the mode of inspecting meters, nor in the units nor in a variety of details; the only important particular is in the extension of the Act to meters for power.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT moved that the Bill be referred to a committee of the whole House on Tuesday next.

Hon. Mr. LOUGHEED—May I ask my hon. friend to obtain information why this inspection should not extend to the wires used in the transmission of electricity. It deals with almost every phase of equipment except the most dangerous one, that is, the covering and insulation of wires. The government should give a little more consideration to the character of the inspection. It should be much more comprehensive than this Bill provides for.

Hon. Mr. SCOTT—I am advised by an hon. senator that that portion is rather under the inspection of the insurance companies. They have an inspector also; because they require not only the wires and meters, but the connections between the instruments outside and those inside to be verified.

Hon. Mr. LOUGHEED—I can say to my hon. friend that is not the case. In some of the provinces it may be so, but it certainly is not obligatory on the insurance companies, nor would it be on the part of consumers to permit insurance companies to make any inspection of the wires. In perusing this Bill, it impressed me very deeply that it is lacking in not making provision for comprehensive inspection so as to insure protection of life and property. It simply deals with the minor factors which go to make up electrical equipment, and neglects the major one.

Hon. Mr. SCOTT—Feeling that questions would arise in the discussion of the measure, I asked the inspector in charge of the Bill to be present when we reach the committee stage, in order to give explanations asked for by hon. gentlemen. He will be here on Tuesday to give explanations.

The motion was agreed to.

## COLD STORAGE WAREHOUSES BILL.

### IN COMMITTEE.

The House resolved itself into a Committe of the Whole on Bill (20) An Act to

encourage the establishment of Cold Storage Warehouses, for the preservation of Perishable Food Products.

(In the Committee.)

On clause 2,

Hon. Mr. LOUGHEED—Can my hon. friend say to what extent there is an absence of facilities for warehousing products of the kind in contemplation ? I understand the building of cold storage warehouses has become fairly general, and that it is being made an advantageous investment throughout the provinces. I may be wrong in that conclusion.

Hon. Mr. SCOTT—The hon. gentleman is quite right. For instance, in Ottawa they have one, and in Toronto, Montreal, Hamilton and Galt I think, and some of the larger towns, but a demand has been made in the villages, in productive districts where apples, grapes and fruits of various kinds are produced, and where the storage for the cheese factories is limited to the quantity passing through. There is a general demand for them in such places. Of course it is only where proof is given that they are wanted, and that there is no private enterprise equal to the construction of the building, that the department will feel justified in extending aid and assistance.

Hon. Mr. McMILLAN—Who is to be the judge ?

Hon. Mr. SCOTT—The department.

Hon. Mr. LOUGHEED—Is it intended the provisions of the Act should be extended to those larger warehouses in the centres of distribution ?

Hon. Mr. SCOTT—Oh, no. Wherever they exist, none will be aided as rivals.

Hon. Mr. LOUGHEED—It seems to me that it will not be a difficult matter to bring the necessary influence to bear on the government in regard to the large distributing centres. It will be difficult to say that there is good reason for subsidizing a warehouse in a rural locality, and not in an urban district. There seems to be no principle laid down upon which the Governor-in-Council is to act with reference to the distribution of the subsidy.

Hon. Mr. SCOTT—Clause 2 reads :

2. The Governor in Council may enter into contracts with any persons for the construction, equipment and maintenance in good and efficient working order, of public cold storage warehouses equipped with mechanical refrigeration, in Canada, and suitable for the preservation of all food products.

They will not aid any new warehouse where one already exists.

Hon. Mr. LOUGHEED—Will the government aid the ones that exist ?

Hon. Mr. SCOTT—Oh, no, certainly not. They are there, and probably have gone through the experimental stage, and are now looked upon as paying concerns. I think there were a great many of them under serious difficulties for two or three years, until they became established on a permanent basis. I have in my eye some that were embarrassed for a limited period, but are now doing better.

Hon. Mr. LOUGHEED—The hon. gentleman will recognize the inequality of giving the 30 per cent to a rival institution and withholding the subsidy from one that is doing fairly well at the present time. It seems to me that it will necessarily give rise to dissatisfaction, and it must necessarily be of advantage to the rival just starting. There should be some well defined principle running through the Bill by which no injustice would be done to existing enterprises.

Hon. Mr. SCOTT—I have already said there can be no rivals. There will be no competing building put up where there is already a cold storage in existence or in the locality. That is perfectly clear.

Hon. Mr LOUGHEED—It is not clear in the Bill.

Hon. Mr. SCOTT—It is only where there is no enterprise, or where there is not capital enough to put up a building, where it is shown conclusively that a building is needed. The farmers are slow in taking stock in a building of that sort. They think aid should come from outside. It is regarded that cold storage, as a business, cannot be made a success for two or three years, and that is the reason there are not more such enterprises in the country. Of course, in the large centres there is always capital, and men with means will take the

risk and put them up. In those places were they exist, there is nothing to be aided by the government.

Hon. Sir MACKENZIE BOWELL—Where is the limitation to prevent them from giving aid ?

Hon. Mr. SCOTT—In the announcement of the government policy, it is to aid cold storage warehouses for the preservation of perishable products. If there are warehouses in existence they will not be aided. It applies entirely to warehouses in prospective. There is no building already completed that will receive any aid under this Bill.

Clause 4 provides :

4. The Governor in Council may, out of any moneys appropriated by parliament for the purpose, grant towards the construction and equipment of any such warehouse a subsidy not exceeding in the whole thirty per cent of the amount expended or approved of in such construction and equipment, and payable in instalments as follows : upon the warehouse being completed and cold storage at suitable temperatures being provided therein, all to the satisfaction of the Minister of Agriculture, a sum not exceeding fifteen per cent of the amount so expended ; and at the end of the first year thereafter seven per cent of the said amount, at the end of the second year thereafter four per cent of the said amount, and at the end of each of the two next succeeding years two per cent of the said amount; provided the warehouse is maintained and operated to the satisfaction of the Minister of Agriculture.

That is all prospective. It does not apply to the past at all. They have to file a plan and obtain the sanction of the department before they erect a building, and it has all to be done under inspection.

Hon. Sir MACKENZIE BOWELL—My hon. friend has not met the question. There is nothing in this Bill to prevent the government from subsidizing a cold storage building being erected in Montreal or the city of Ottawa. The hon. gentleman says it is a question of policy. That may be, but if there are certain influences brought to bear on the government, and the government feel inclined to grant that subsidy for the erection of a building in Toronto or Ottawa, there is nothing in this Bill to prevent it.

Hon. Mr. LOUGHEED—What I take exception to is the arbitrary principle laid down by my hon. friend. I doubt very much when the Bill is brought into operation that that arbitrary principle will be observed. My hon. friend says if a warehouse is in existence it will receive no subsidy. Let me point out the manifest injustice. A warehouse is just completed before the Bill is brought into operation. The financial results of the operation may not be known. Possibly in an adjoining street, or in an adjoining town, a similar warehouse is about to be erected. The Act comes into operation regarding that new warehouse, and the government gives them a subsidy payable in instalments of not less than 50 per cent, a substantial percentage.

Hon. Mr. SCOTT—It is 30 per cent in all.

Hon. Mr. LOUGHEED—Well payable in instalments. Thirty per cent upon the entire cost on such an undertaking is certainly of such manifest advantage to the rival concern it may be quite possible that a gratuity of that amount would succeed in destroying the other. The government should exercise some fair discretion in the distribution of the subsidy, and therefore I say that to lay down an arbitrary principle such as my hon. friend has just stated is manifestly unfair to rival concerns.

Hon. Mr. SCOTT—In all matters of this kind, you have to trust the government to do what they start out to do. You cannot limit it in the Act itself. One of the clauses which shows the beneficial results is clause 7 which reads as follows :

7. The rates and tolls to be charged for storage in such warehouses shall be subject to the approval of the Governor in Council.

They have no such control over houses that have already been built, and the cold storage warehouses now in existence have been entered upon as an investment. It may turn out to their advantage. No doubt it will, to parties who should invest their money in them.

Hon. Mr. LOUGHEED—Supposing it should not ?

Hon. Mr. SCOTT—The tendency to place perishable goods in cold storage has been increasing by leaps and bounds. Cold storage accommodation where perhaps one-tenth of the space only was occupied five years ago is to-day crowded. I was in the Ottawa warehouse two or three years ago.

It was comparatively empty. I went in perhaps a month ago, and it was absolutely filled, every room occupied in all directions. The company are now going to build an addition to it. That is the experience everywhere. It takes some time for the people to appreciate the value of it, and the object of this Bill is to stimulate the growth of cold storages in those localities where they do not now exist, and where there is no chance of capital being induced to invest, because the investment will not be remunerative for two or three years. The people have begun to appreciate the advantages of cold storage warehouses.

The clause was adopted.

On clause 6,

6. The Minister of Agriculture may order, and cause to be maintained, an inspection and supervision of the sanitary conditions, maintenance and operation of such warehouses, and may regulate and control the temperatures to be maintained therein in accordance with the regulations to be made as hereinafter provided.

Hon. Mr. SULLIVAN—How is he going to regulate the temperature ?

Hon. Mr. SCOTT—It is not done by ice. It is mechanical cold storage. They regulate it automatically.

Hon. Mr SULLIVAN—How could the minister control the temperature and regulate it ?

Hon. Mr. FERGUSON—It is done very easily by thermograph. The record would be there.

The clause was adopted.

On clause 9,

Hon. Mr. SCOTT—In regard to clause 9 of the old Act, I have some information to give to the House. The Act passed in 1897 has been exhausted long since. For the information of the House, I desire to say that the bonus was for three years and was paid only to Quebec and Charlottetown. No other city claimed that bonus. The bonus was paid to a large number of steamships for a number of years. This resulted in the establishment of practically universal cold storage on most of the Canadian routes. The bonus was not continued after the service was once established. I think in the subsidies made to the various steamers crossing the Atlantic, consideration is always given to the extent of the cold storage. It is simply an element in any aid that may be given. That is the condition of it.

Hon. Mr. FERGUSON—The hon. gentleman is no doubt absolutely correct in the statement that he has made. The contracts with steamship companies made some years ago expired, and I know the claim of the department is that the work having been set in motion it could be left to take care of itself. The interest both of the owners of the steamships and of their customers was so great that they might be left to take care of themselves. I had a conversation to-day with a gentleman from Ontario, a very large exporter of fruit with regard to this subject. There is this weakness in the practice as it stands to-day : that with regard to the ventilation of steamships and the cold storage that is alleged to be provided, there is no means of holding the steamships up to their professions, or their contracts with their customers. Thermographs should be maintained on board of all boats carrying perishable products, automatically working, so that the inspectors at London or Liverpool would have access to these instruments and find what temperature had been maintained in the chambers of these ships during the passage across the Atlantic. If that were done, there would be a perfect means of compelling the owners of these steamships to live up to the contracts which they are making with those who trust their perishable products to their care during the voyage. Take a shipper who is sending over a few thousand barrels of apples, for instance ; he entrusts these apples to the steamship company, who allege that they will maintain a certain temperature in the storage chamber during the voyage. He finds his fruit is damaged through excessively high temperature during the voyage. He knows that as a fact but he has no means of proving it. It would be a simple matter for the government to provide that all ships carrying perishable products should not only supply proper ventilation, but that they should be prepared to submit evidence that they had lived up to their contracts. I am told by large shippers that there is still room for improvement. No doubt, a great improvement has

taken place, especially, I think, in Halifax, where the Furness line, the Canadian Pacific Railway line of steamers, and the Allan line, have made improvements by the erection of mid-ship decks, so that there will not be a large quantity of apples stored on top of one another. A great improvement has been effected; still instances occur where these perishable products are destroyed during the voyage, and there is no way of proving how it happened. If thermographs had been maintained in the chambers of these ships carrying these products, working automatically, they would tell the story, and the government inspector at London or Liverpool could have reference to them, and he would not require to listen to any story from the crew of the ship, because he would have a record independently of that.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that that matter is under the consideration of the Department of Agriculture at this present minute. Certain powers are reserved in several of the subsidies to the companies which would enable the department to enforce some such regulation as my hon. friend desires. I might add that the evidence in the possession of the Department of Agriculture, particularly in the matter of apples, goes rather to show that the great bulk—I do not say all—of the cases in which injury was done to the fruit arose from the apples being delivered to the steamship companies unduly heated. My hon. friend will note that when the apples have been allowed to become unduly heated, the mischief is done to a very great extent, and this Bill we are now considering is for the express purpose of enabling the fruit, from the moment it comes into the storehouse, until it is shipped, to be kept in a proper temperature and delivered in good condition; but the point is deserving of serious consideration, whether some such apparatus as he speaks of should not be introduced in, at any rate, the case of subsidized steamers.

Hon. Mr. FERGUSON—The usual plea of the ship-owners is just what has been stated by my hon. friend, that the trouble does not occur with them, but previous to the shipment. Now, we know with regard to fruit, there is only a month, or perhaps a little more than a month of the year when there is any danger of overheating on the cars.

Hon. Sir RICHARD CARTWRIGHT—I am not speaking of the case of cars.

Hon. Mr. FERGUSON—The bulk of the apples going forward in the autumn and winter are put on board the steamer cool, nevertheless you will find the steamship agents almost always contend that the fault was not theirs. It is the most natural thing in the world for them to do so, and that is why there should be means taken to know where the blame rests.

Hon. Sir RICHARD CARTWRIGHT—I shall take very good care to bring the matter to the attention of the Department of Agriculture.

Hon. Mr. LOUGHEED—Can my hon. friend say why a partial system of inspection is being adopted? Why is it not extended to other warehouses? The inspection provided for in clauses 6, 8 and 9 extends only to subsidized warehouses. It seems to me that the absence of uniformity would not be conducive to helping the export interest of Canada.

Hon. Mr. SCOTT—We have not aided the commercial ventures in any way, and it would be monstrous for the government to interfere with them.

Hon. Mr. LOUGHEED—The government has been very active in passing inspection measures with reference to all classes of export goods. It is clearly within the right of the federal government to pass the most comprehensive inspection measures. The very exercise of the powers mentioned here, would probably be in pursuance of that power which has been given them; but it seems to me while dealing with the subject of inspection it should have been carried out in a very much more comprehensive manner than is here indicated. In fact it should be extended to all warehouses handling produce for export.

Hon. Mr. SCOTT—Our apples, cheese, butter and so forth, are all inspected by officials before they are exported, but it would be manifestly unjust to introduce in a measure which deals with subsidized warehouses, a provision for imposing conditions on commercial ventures which must

stand according to the credit they deserve in the community. They are quite independent of the government. We have not aided them in any way, and we would scarcely be justified in putting them under the same regulations as subsidized warehouses.

Hon. Mr. LOUGHEED—Could you not set the machinery of the general Act in operation ?

Hon. Sir RICHARD CARTWRIGHT—I was going to suggest that I think there is power under the general inspection Act. Of course the hon. gentleman will see that in a special Act of this kind it would not be desirable to introduce a general provision. If there is not sufficient power, it had better be supplied in an amendment to the general Act.

Hon. Mr. GIBSON—Seeing that this measure is to go back to the Department of Agriculture, the suggestion made by my hon. friend from Marshfield might be considered. Many of the conditions which he has pointed out might be averted if all perishable goods shipped from warehouses, whether subsidized or not subsidized, were inspected by a qualified officer at the point of exportation. It would prevent a conflict between the steamship and railway companies.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

## SECOND READINGS.

Bill (56) An Act to incorporate the Quinze and Blanche River Railway Company.—(Hon. Mr. McMullen.)

Bill (25) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.—(Hon. Mr. Ross, Moosejaw.)

## THIRD READING.

Bill (85) An Act to amend the Criminal Code.—(Hon. Mr. Scott.)

## TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to ask the hon. Secretary of State if he can inform us whether telegraphic communication with Prince Edward Island has been restored ?

Hon. Mr. SCOTT—I have had no answer to the communication I sent to the department, and I have been unable to see the minister. He was not in council to-day. I shall make further inquiry.

Hon. Mr. FERGUSON—I wish to enter a very solemn protest against this treatment. Since the 5th of January, telegraphic communication with Prince Edward Island has been interrupted, and it would seem that the government will not incur the expense of sending a telegram to find what is the real state of affairs. Two days ago I sent a telegram at my own expense and got a reply which I placed in the hands of the hon. Secretary of State, and he referred it to the Department of Marine and Fisheries. Yesterday I told him I would not say anything that day, and I thought he would be in possession of information on the subject to-day. It would appear that the department is so indifferent that they do not think it worth while, or do not want to incur the expense of sending a telegram to Pictou to find out whether telegraphic communication with the island has been restored.

Hon. Mr. LOVITT—Hon. Mr. Yeo had a telegram from the island to-day.

Hon. Mr. FERGUSON—That does not prove that the line is established. We know that since the 12th of this month casual messages are put through by catching the steamer in the port of Georgetown, and the telegram received to-day may have been obtained in that way. It may be the line is established, but if so the government ought to know it. If we had the information that this message came through the Marconi tower at Pictou instead of being brought by steamers, we would know that it was not a mere chance, but that we had regular telegraphic communication restored.

The Senate adjourned until Tuesday next at Eight o'clock p.m.

## THE SENATE.

OTTAWA, Tuesday, February 26, 1907.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

### GRAND TRUNK RAIWAY, OTTAWA, TERMINAL BILL.

PETITION PRESENTED.

Hon. Mr. EDWARDS—It has been pretty well known for some time past that the Grand Trunk Railway has been trying to make arrangements for the construction of a station and hotel at Ottawa. It has only been very recently that negotiations have proceeded sufficiently far to enable the company to ask for legislation which they desire with regard to that construction, and it is the wish of the company to obtain a special charter dealing with these terminals, for various reasons. One reason is that the bonds, &c., can be more easily dealt with than would be the case were the railway dealing with them otherwise. The time has expired for presenting petitions to the Senate, but, with the consent of the House, I would like to be permitted to present this petition after the explanation that I have made. There may be apprehension on the part of some hon. gentlemen that this is for a general Bill enabling the company to deal with terminals in various portions of Canada, but I can state authoritatively that there is no such desire on their part, and that the Bill which will be introduced will be one solely and wholly for the purpose of these terminals at Ottawa.

Hon. Mr. LANDRY—Before the petition is presented, I would draw the attention of the hon. gentleman to the fact that in such cases a petition is presented to obtain leave to present a petition.

Hon. Mr. EDWARDS—I quite admit that.

Hon. Mr. LANDRY—And not the petition for the Bill itself. I take the word of the hon. gentleman when he says this petition is merely to obtain permission for the company to construct work in Ottawa. If that be the case, I think there would be no objection at all, but I should not like to have a company incorporated for general purposes to construct terminals at Ottawa, Quebec or Halifax or elsewhere. If it is confined simply to Ottawa, the people of Ottawa only are the ones to object.

Hon. Mr. EDWARDS—I may say in reply to my hon friend, that that is absolutely the case; this Bill will apply only to the construction of terminals at Ottawa, and I am quite aware that it will be necessary to present a petition asking for leave to present a petition. But, in order to facilitate matters, and proceed with the Bill, if there is no objection, I move the suspension of the subsection (a), of rule 24, and the suspension of rule 112. If these rules are allowed to be suspended, I shall then present the petition.

Hon. Mr. LANDRY—I suppose the suspension of those rules is to enable the hon. gentleman to present his petition immediately ?

Hon. Mr. EDWARDS—Yes.

Hon. Mr. LANDRY—If there is urgency, I do not think we would have any objection to suspend the rules. If there is no urgency I do not see why we should adopt this course.

Hon. Mr. EDWARDS—If there is any objection whatever I cannot present the petition.

Hon. Mr. YOUNG—The urgency is that the Bill originates in the Senate and it is too late in the session to proceed without a suspension of the rules.

Hon. Mr. LANDRY—That may be a reason, but not a reason for urgency.

The motion was agreed to.

### FRONTAGES ON CHURCHILL HARBOUR.

INQUIRY.

Hon. Mr FERGUSON inquired :

1. Has any survey been made by the government, of lands fronting on the harbour of Churchill, in the Territories of Keewatin ?
2. Is the government aware that the Hudson Bay Company lays claim to most of the land fronting on the western side of the harbour of Churchill ? If so, has any step been taken to delimitate the boundaries of such land?
3. Has any application been made to the government for a grant of any portion of the land fronting on the eastern side of said harbour ?

4. If so, by whom has the application been made, and what quantity of land, and what frontage on the harbour, have been applied for ?

5. Has any grant been made of said lands or frontage ?

6. If so, what are the conditions of the grants ?

7. What is the policy of the government in respect to lands at or near Churchill harbour ?

Hon. Mr. SCOTT—The answers furnished to me are :

1. No survey has been made by the government of lands fronting on the harbour of Churchill.

2. The government is not aware that the Hudson Bay Company lays claim to most of the land fronting on the western side of the harbour of Churchill, but the Hudson Bay Company has applied for two parcels of land on the western side of the harbour of Churchill, with frontages of 1,700 and 1,200 feet respectively. The boundaries of the said parcels have been delimitated by a surveyor employed by the company.

3. Yes.

4. By the Canadian Northern Railway Company, 4,700 acres, about 5 miles frontage ; A. J. Norquay, about 2,500 acres, about 4 miles frontage, and by the Hudson Bay Company 7 62 acres, about 1,300 feet frontage.

5. No.

6. Answered by answer to fifth question.

7. In so far as the Hudson Bay Company is concerned, the government is bound by the terms of the deed of surrender from the company to the Crown to convey to the company a block of land containing ten acres, in the shape approximately of a parallelogram, of which the frontage shall not be more than half the depth.

No policy has yet been framed respecting the disposal of other land or water frontage at Churchill.

Hon. Mr. LOUGHEED—Can my hon. friend say whether the application of the Hudson Bay Company deals with the particular land which, under the terms of the Act, they would be entitled to—that is the land surrounding their post ?

Hon. Mr. SCOTT—I presume, from the way it is referred to, that it would be part of the original arrangement, because it describes an area, the depth being so much and the frontage so much.

Hon. Mr. FERGUSON—Can the Hudson Bay Company lay claim to more than one post at Churchill, or can they claim several posts so as to acquire a large frontage on the harbour ?

Hon. Mr. SCOTT—My recollection is, the area is defined and the limitation defined. Of course, it would depend upon what they are occupying. Some places they get larger blocks, some places smaller. I have not read the arrangement for a long time, and I cannot tell from memory.

Hon. Mr. FERGUSON—I think they are entitled to only ten acres at one post.

Hon. Mr. SCOTT—Oh, no, they are entitled to larger areas at some posts than at others. They are defined.

## SENATOR GOWAN.

### INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called, could we know from the government if there is any truth in the statement that one of our colleagues, the Hon. Sir James Gowan, has tendered his resignation and that it has been accepted?

Hon. Mr. SCOTT—Yes, he has tendered his resignation and it has been accepted.

## BILLS INTRODUCED.

Bill (EE) An Act to incorporate the Winnipeg and Northwestern Railway Company.—(Hon. Mr. Ross, Middlesex.)

Bill (FF) An Act respecting the Algoma Central and Hudson Bay Railway Company. —(Hon. Mr. Ross, Middlesex.)

Bill (GG) An Act respecting the St. Mary Bridge Company.—(Hon. Mr. Ross, Middlesex.)

Bill (HH) An Act respecting the Lake Superior Power Company.—(Hon. Mr. Ross, Middlesex.)

Bill (II) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Ross, Middlesex.)

Bill (JJ) An Act respecting the Ontario, Hudson Bay and Western Railways Company.—(Hon. Mr. Ross, Middlesex.)

## THIRD READINGS.

Bill (86) An Act respecting the National Transcontinental Railway. — (Hon. Mr. Scott.)

Bill (20) An Act to encourage the establishment of Cold Storage Warehouses for the preservation of perishable Food Products.—(Hon. Mr. Scott.)

## JORDAN LIGHT, HEAT AND POWER COMPANY BILL.

THIRD READING POSTPONED.

The Order of the Day being called :

Third reading Bill (N) An Act to amalgamate the Jordan Light, Heat and Power Company and the Erie and Ontario Development Company, Limited, into one corporation under the name of the Jordan-Erie Power Company.—(Hon. Mr. Casgrain, de Lanaudière.)

Hon. Mr. POWER—In the absence of the hon. gentleman from Lincoln (Hon. Mr. Gibson) I move that the said Bill be not now read a third time, but that it be further amended by adding the following words to section 7 as amended, 'to an amount not exceeding $8,000,000 being $1,000,000 less than the combined authorized issue of the two amalgamated companies'. The amendment of which the hon. gentleman from Lincoln gave notice was to increase the amount to ten million, and this amendment that I present to the House will provide for a less amount, namely, $8,000,000. With the permission of the House I move this amendment instead of the amendment of which notice has been given. It is substantially the same amendment, only the amount of bonds and debentures is to be two million dollars less.

Hon. Mr. LANDRY—Is that a motion made in the name of the hon. gentleman from Lincoln ?

Hon. Mr. POWER—It is, yes.

Hon. Mr. LANDRY—I think we should have that as a notice of motion.

Hon. Mr. POWER—It is the same motion substantially except——

Hon. Mr. LANDRY—Except it is not the same.

Hon. Mr. POWER—Except the amount has been reduced by $2,000,000, and the House would not object to that change, I think.

Hon. Mr. LANDRY—I do not know—a change of $2,000,000 in a private Bill. The rules of the House require a day's notice, expressly for those cases. Where a change of importance is made in a Bill at its third reading, and we are asked to change $8,000,000 into $6,000,000.

Hon. Mr. SCOTT—No, it is a reduction from $10,000,000 to $8,000,000. The House surely can have no objection to a reduction of the capital.

Hon. Mr. LANDRY—I do not say anything about that. That is not the question at all. The House may have objection to permitting that amendment to pass immediately, because no notice has been given of it, and that change has been made by a party who is not the promoter of the Bill and who gives that notice.

Hon. Mr. KERR—I may say on behalf of the promoter of the Bill, that I have been instructed to accept the amendment, and that the amendment reduces the amount and brings it in accord with what is stated in the Bill to be the fact. The capital stock of the company should be $8,000,000, being the present capital of the two companies, so it would really be in accord with that.

Hon. Mr. FERGUSON—The point raised is not whether this amendment is a right and proper one to pass, but is it according to the rules of the House to adopt it?

The SPEAKER—The hon. gentleman who moved this amendment, did so with the consent of the House. If any objection is taken, the amendment of course can only be made according to notice.

Hon. Mr. LANDRY—I object to a member rising to move an amendment by simply saying, 'With the leave of the House'. If he wants a suspension of the rules, let him name the rule he desires to suspend.

Hon. Mr. FERGUSON—I think we should proceed according to the rules of the House when we can do so without inconveniencing any one. The hon. gentleman might move the amendment of which notice was given by the hon. gentleman from Lincoln, and it would be perfectly in order. We might act accordingly.

Hon. Mr. POWER—There are a great many awful things which might happen, and I sympathize with the nervous condition of my hon. friends opposite, when they become afraid that this House is going to allow something very improper to be done

at this stage. The fact is, here is a Bill of which notice of the third reading had been given some days ago, and notice had been given that it was proposed to move an amendment which would fix the amount at $10,000,000, and then the promoter of the Bill was willing to accept a less amount, and it was suggested that the House might be willing, with the concurrence of the promoters, to do that. Then a number of hon. gentlemen suddenly discover the most fearful danger of wrong and mischief being perpetrated in this House. With the consent of the hon. gentleman who moved the third reading, I would ask that the notice which I have given be considered as a notice of motion for to-morrow.

Hon. Mr. FERGUSON—There is not an hon. gentleman in the House who sticks so fast upon little technicalities as the hon. gentleman himself.

Hon. Mr. POWER—The hon. gentleman never sticks himself.

The SPEAKER—The motion and amendment will be allowed to stand as a notice of motion.

The Order of the Day was allowed to stand.

## GRAND TRUNK RAILWAY BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into :

Committee of the Whole House on Bill (50) An Act to amend an Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal.

(In the Committee.)

Hon. Mr. LOUGHEED—Will the hon. Secretary of State be good enough to give the House some explanation of this Bill. I would submit that the preamble is quite misleading. It would lead one to the conclusion that a clerical error had occurred in the schedule of the Act of 1899, whereas it is quite apparent, under clause 1 of the Act, that very material alterations are being made to the schedule or to the agreement between the government of Canada and the Grand Trunk Railway Company.

Hon. Mr. POWER.

Hon. Mr. SCOTT—There is no change. It is purely correcting typographical or clerical errors, I do not know which.

Hon. Mr. LOUGHEED—It seems to me to be an extraordinary statement to make, that all those mistakes would be simply typographical errors. It is quite apparent, from the perusal of the clauses, that what is now proposed to be introduced into the schedule will make a very substantial difference. They are not typographical errors ; that is quite manifest.

Hon. Mr. SCOTT—If there is any question about it, I had better let it stand until I can bring the original out of the office.

Hon. Mr. LOUGHEED—I am not doubting the good faith of the government, or of the Grand Trunk Railway, but, it seems to me, some explanation is due to the House why those material changes should be made. Has my hon. friend the original agreement, or can he explain how this Act passed parliament receiving three readings in both branches, without such a very serious mistake having been discovered ?

Hon. Mr. SCOTT—No ; my hon. friend must know that those schedules are never read by anybody. They are copied in the office at Montreal or somewhere else, and no one ever looks at them afterwards. It is the result of carelessness in making the first copy.

Hon. Mr. LOUGHEED—They must have been very carefully perused by the company's solicitors before being brought here, and, certainly, officers of this government would be very much at fault if they permitted a schedule embodying such a very important undertaking as that dealt with in the agreement to become law without thoroughly scrutinizing it.

Hon. Mr. SCOTT—I have not time now to analyse the Bill, and it is difficult to detect just what the changes are. I therefore move that the committee rise and report progress.

Hon. Mr. LOUGHEED—Would my hon. friend, before we go into committee again, bring down to the Chamber information as to what legal proceedings have been taken? From the second clause of the Bill, one would think legal proceedings had arisen

between the government and the Grand Trunk Railway Company, possibly arising out of this agreement. The clauses are not sufficiently explicit to show how those legal proceedings have originated, and it is important that we should understand what we are doing.

Hon. Mr. SCOTT—Yes, I quite appreciate the importance of it.

Hon. Sir MACKENZIE BOWELL—At the last session of this House, a Bill was introduced to enable the government to refer to arbitration some differences which had arisen in reference to the interpretation and true meaning of the agreement into which they had entered. Should we not have the agreement before us, and also the result of the arbitration, if an arbitration took place as provided for in the Bill of last session? The House will remember the long discussion which took place when the agreement was originally entered into, and that after some concessions were made by the representatives of the Grand Trunk Railway Company, the Bill was accepted by this House. It was when Sir Oliver Mowat was leading the House the agreement was entered into. How far will these amendments affect that agreement which the House accepted and the concessions made by the Grand Trunk Railway Company and accepted by the government of the day? That will require a good deal of consideration, a good deal of comparison with the agreement itself, and, also, a full explanation on the part of the government as to the reasons why these amendments are suggested.

The CHAIRMAN—I think the only motion before the chair is that the committee rise and report progress.

Hon. Sir MACKENZIE BOWELL—We have a right to discuss the Bill on that motion if we please.

The CHAIRMAN—The only question that can be discussed is whether the committee should rise and report progress.

Hon. Mr. KERR—I beg to call the attention of the House to another matter which seems to be just as important, and that is in clause 1——

The CHAIRMAN—The hon. gentleman is certainly out of order. Until this motion is decided, I object to the hon. gentleman proceeding.

Hon. Mr. KERR—I only want to call attention to something which is either a misprint or——

The CHAIRMAN—The motion is that the committee rise and report progress.

The motion was agreed to.

Hon. Mr. WILSON, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again on Friday next.

## NORTHWEST TERRITORIES ACT AMENDMENT BILL.

### ORDER POSTPONED.

The Order of the Day being called:

Committee of the Whole House on Bill (76), An Act to amend the Northwest Territories Act.

Hon. Mr. SCOTT, in the absence of hon. Sir Richard Cartwright, moved that the Order of the Day be discharged and that it be fixed as an order for to-morrow.

Hon. Mr. LOUGHEED—I notice in the newspapers, some communications from the Yukon Territory to the effect that public meetings have been held there, demanding that full representation be given to the people of that territory and that the antiquated system of a nominated government be abolished. I would ask my hon. friend to obtain information whether such representations have been made, and whether a request has been forwarded to the government to extend full representation to the people of the Yukon Territory.

Hon. Mr. SCOTT—I shall inquire about it.

The motion was agreed to.

## SECOND READINGS.

Bill (X) An Act to incorporate the Reliance Life Assurance Company of Canada.—(Hon. Mr. Perley.)

Bill (Y) An Act respecting the Midway and Vernon Railway Company.—(Hon. Mr. Bostock.)

Bill (AA) An Act to incorporate the Ottawa Life Insurance Company.—(Hon. Mr. Kerr.)

Bill (BB) An Act respecting the British America Assurance Company.—(Hon. Mr. Jaffray.)

## THE SPAIN DIVORCE CASE.

### SECOND READINGS.

Hon. Mr. WATSON moved the second reading of Bill (CC) An Act for the relief of Osprey George Valentine Spain.

Hon. Mr. WILSON—I intended to make some remarks on the motion for the second reading of this Bill, but as a desire has been expressed to take up another matter to-night for discussion, I shall defer making any remarks on this Bill until the third reading.

The motion was agreed to on a division.

## THE NAVIGATION OF HUDSON BAY.

Debate continued.

The Order of the Day being called :

Resuming the further adjourned debate on the motion of the Hon. Mr. Ferguson :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency may be pleased to lay on the table of this House, copies of all reports and communications in possession of the government not already submitted to parliament, regarding the navigation of the Hudson's bay and the resources and climate of the territory contiguous thereto, also copies of all grants of fishing, mining and lumbering rights, given at any time, by the government, in the said bay and territory ; also copies of all reports of surveys received by the government from either engineers, surveyors or geologists, on the feasibility of railway routes, connecting any existing or prospective railway with any port on Hudson bay or James bay ; also a statement of grants of land or money which have been proposed, or asked for, in aid of such railways. Also, copies of all reports received by the government in relation to the establishment of lights or other aids to navigation of Hudson bay and Hudson straits, and also a statement showing what action, if any, has been taken by the government regarding the establishment of such aids to navigation.—(Hon. Mr. Davis.)

Hon. Mr. DAVIS—I do not know, since the announcement has been made by the premier with reference to this question, that it is necessary for me or any body else to say much on the subject. However, as it has been debated here and in the House of Commons, and certain statements have been made by members of the Senate as to the advisability of building a railway to Hudson bay, and doubts have been thrown on the practicability of the project it will not be out of place for me to make a few remarks on the question, seeing that I come from a part of the country that would be greatly benefited by the opening up of this route. I claim that it is a great national undertaking, and I wish to discuss it from a national standpoint, not from a sectional point of view, because I am bound to say we have too much sectional spirit in this country at present. There is a feeling in our part of the country that certain portions of this Dominion are opposed to the construction of this road, for the reason that, perhaps, it might divert trade which now goes through the older provinces into another channel. I want to impress on hon. gentlemen the fact that, as time goes on, they will find not only all the routes we have at present, but the Hudson bay route when built, as built it will be, will have all they can do. I claim that the opening up of the Hudson bay route, by the building of this road, will be a national advantage. Instead of taking away trade from the older provinces, it will increase their trade. If this route were opened up and we had steamboats plying between Nova Scotia and Hudson bay, it would furnish facilities for transporting heavy materials and would build up a great trade, because everybody knows that transportation by water is very cheap as compared with transportation by rail and I see no reason why a large trade could not be worked up in that way. I want to refer to a fact alluded to by the hon. gentleman from Marshfield, with reference to a land grant given to a certain company for the purpose of constructing that road some years ago. I do not wish to speak of it in a political sense, because I should like to discuss it on its merits, but I consider that a great blunder was made by the government of the day at the time the contract was entered into with the predecessors of Mackenzie & Mann for the building of that road to Hudson bay. They gave an enormous subsidy of 12,800 acres of land per mile from the boundary of Manitoba to be selected out of the arable belt as far as the Saskatchewan river, and 12,800 acres of

land per mile for the portion of the line extending from the Saskatchewan to Churchill. That was the bargain for the construction of the complete line, and the railway company had no right to be allowed to construct half that road through the part of the country they knew would pay at once and draw a land grant of 12,800 acres per mile. They should have been obliged to construct the whole of the road ; but it appears that in drawing the contract or making the bargain, the government of the day at that time left a loop hole open, and what do we find ? We find Mackenzie & Mann building the road to the Pas on the Saskatchewan, where it will pay, without doubt, and they have drawn their land grant from the boundary of Manitoba at the rate of 12,800 acres per mile, and in the province of Manitoba 6,400 acres per mile. It reminds me of the story of Mr. Dooley and Hennessy in reference to the war with Spain. Hennessy asked Dooley what he would do with the fruits of victory, if he were president, and Dooley replied : 'I would eat the ripe fruit and hand the green fruit back to the enemy.' That is what Mackenzie and Mann have done in this case : they have taken the ripe fruit and handed the green fruit back to the government. They have taken that 12,800 acres per mile as far as the Saskatchewan river and dropped the line there. I wish to say to the hon. member from Marshfield, that while I do not want to speak of this in a political sense, it was stupidity on the part of those who drew that contract or made the bargain that they did not draft it in such a way that whoever came to build that road, before getting the enormous land subsidy, should have been required to construct it the whole way through to Hudson bay.

Hon. Mr. FERGUSON—What contract is the hon. gentleman speaking about ? I have asked for these papers, and papers have been brought down, but I cannot find any contract of the kind he refers to.

Hon. Mr. DAVIS—If the hon. gentleman's friends, at the time they entered into the bargain to hand over that enormous land subsidy to Mackenzie and Mann, did not enter into a contract it is very strange.

Hon. Mr. FERGUSON—There was no contract; simply a statutory offer that so much land should be given in the province of Manitoba and so much outside of Manitoba, but I cannot find a contract of any kind. It was an offer of not more than so much land per mile, and it was open to the government to make the grant as much or as little as they pleased within that limit, but they could not go above it.

Hon. Mr. DAVIS—I will leave the point at that. Now with reference to the opening up of the route. I claim if a line of properly constructed steamers is put on the Hudson bay route, as I hope in the near future will be done, it will be of great benefit to the trade of the older provinces. We raise wheat and cattle and make money in the west, but most of that money finds its way into the coffers of the people of the eastern provinces. We manufacture scarcely anything in the western provinces, but import from the older provinces as far as they can supply us. It is true, we purchase some agricultural machinery from the United States, but we would not do so if the manufacturers in the eastern provinces could supply us. Since they cannot do so we have to go across the line. What I want to emphasize is the fact that the greater portion of the money we receive for our products finds its way to the eastern provinces to build up great industries and cities and employ great numbers of men ; building up your banking institutions because every bank in the west is simply a branch of some eastern bank. Now let us deal for a moment with what we in the west consider the opening up of this route will do for us. I live in the city of Prince Albert, on the Saskatchewan river. If that route were opened up, the people of Prince Albert would be about as near to Liverpool as are the people of Montreal.

Now everybody knows that it is a long haul by rail from Prince Albert to Winnipeg. The distance is 600 miles. Then you have a rail haul from Winnipeg all the way down to the head of Lake Superior. Then you have the water haul again, the transhipment, and all the cost which arises from the transhipment to other lines. We have to pay for all that, I might say practically for nothing. It has been estimated

—and I think correctly—that we would save by the construction of the Hudson bay road at least 11 cents a bushel on every bushel we raise, and not less than $8 on every steer we raise. I had not time to go into the figures, but we would save more on the crop of wheat and the cattle this year in the west than would build the road twice over. Because, after all, it is only a small piece of railway, not a terrible undertaking, 400 miles, and we have proven that 270 miles of that road should be constructed as a colonization road. We have proved by gentlemen employed by the government in the Geological Department that there is along that route something like ten thousand square miles of agricultural land, a country rich in minerals, fish and timber, and it would therefore pay to build a road for 270 miles, so we pare the project down to less than 200 miles of unprofitable railway.

Hon. Mr. POWER—I do not wish to interrupt unduly, but it is not regular for the hon. gentleman to refer to proceedings before a committee that has not yet reported.

Hon. Mr. DAVIS—The transactions before the committee are public property. We do not exclude the reporters. They can report the whole proceedings in full, if they desire to do so. A great many people of this country have not studied, and have no idea of the vast area of agricultural lands we have in the Northwest. I shall submit a few figures which will give an idea of about the amount of land that we have in that country capable of sustaining a population.

Hon. Mr. SULLIVAN—Where does the hon. gentleman get the figures ?

Hon. Mr. DAVIS—I took them from the blue-book. 'Statement of lands under cultivation in 1905 and 1906.' In Manitoba, Alberta and Saskatchewan we had something over seven million acres of land under cultivation. We produced on that seven million acres of land one hundred and sixty-two million bushels of grain, divided as follows: We had sixty-eight million bushels of oats. The yield is forty bushels to the acre ; we had eleven million bushels of barley, the yield being thirty bushels to the acre ; wheat, eighty-two million bushels with an average yield of twenty-one bushels to the acre, or, taking the three classes of grain together, we had an average yield of thirty bushels to the acre. That is the average on the seven million acres of land that is under cultivation. I want to draw my hon. friend's attention to the fact that we have one hundred and seventy-five million acres of arable land in the Northwest territory that we know of. Supposing we bring that all under cultivation—and I desire to say that it is within the bounds of possibility. We who are standing here at the present time may not see it, but there is no doubt that in the course of time every acre of arable land in that country will be brought under cultivation. So that if you had that 175,000,000 acres of arable land under cultivation, taking the same average of thirty bushels to the acre, what would you find? You would produce five and one-quarter billion bushels of grain. A great many people have only a hazy idea of the magnitude of the country west of Lake Superior, the greatest territory that any people have on the face of the earth. There is no doubt in my mind about that. And what do we find ? Of that vast territory we had this last year only 7,000,000 acres under cultivation. We produced this season, of all kinds of grain, something like two hundred million bushels, and with all our boasted railway facilities, over two-thirds of that grain has yet to be taken to market. We have not got sufficient transportation to take the produce of seven million acres of land to market, and two-thirds of it is still in the hands of our farmers in the west. They have to go, as a consequence, to the banks and borrow money on this grain stored, in many cases, as some of my hon. friends here know, in small warehouses on the prairie. It is subject to great damage, and the owners may suffer serious loss. With two great railways we are unable now to carry out more than one-third of this crop. With seven million acres under cultivation, and a possibility of 170,000,000 acres more to cultivate, we are still dickering about the means of transportation. I desire to say now that before the Grand Trunk Pacific is constructed, and before it is in a position to carry grain from the western prairies, that

it will not be able to carry half the produce that will be offered for transport to the seaboard. We will need that road, and the Hudson bay road and every other road that we can possibly construct in order to carry our products to market. I was going to point to some of the advantages that will accrue to the people of our part of the country, and incidentally to the whole Dominion, if that railway was built. The following table of distances is taken from a report made by E. P. Leacock, a gentleman in Manitoba who went into this proposition exhaustively some years ago, and arrived at these figures.

| | |
|---|---|
| New York to Liverpool.. | 3,040 miles. |
| Montreal to Liverpool .. | 2,990 " |
| Churchill to Liverpool.. | 2,926 " |

With sea freight distance saved is not an important matter and it is on the saving perhaps by land that we must rely for our strongest argument.

| | Miles. |
|---|---|
| Winnipeg to Montreal via Chicago... | 1,703 |
| " " C.P.R..... | 1,434 |
| " Churchill by west side Lake Winnipeg.. .. .. .. .. | 650 |
| " Liverpool via Chicago and Montreal.... .. .. .. .. | 4,693 |
| | Miles. |
| " Liverpool via C.P.R..... | 4,424 |
| " Liverpool via Churchill.. .. | 3,576 |

Winnipeg then is 1,117 miles nearer Liverpool via Churchill than via Chicago and Montreal, or 848 by Canadian Pacific Railway. This saving all rail excepting the 64 miles saved by sea. Other countries are greatly affected by this saving:

| | |
|---|---|
| Port Moody to Liverpool via Montreal.. .. .. .. .. .. .. | 5,896 miles. |
| Port Moody to Liverpool via Winnipeg and Churchill.... .. | 4,779 " |

Which again gives 1,117 miles which British Columbia would save in going to and from Great Britain.

| | |
|---|---|
| Yokohama to Liverpool via New York.. .. .. .. .. .. .. | 12,038 miles. |
| Yokohama to Liverpool via Montreal.. .. .. .. .. .. .. | 11,019 " |
| Yokohama to Liverpool via Churchill.. .. .. .. .. .. | 9,902 " |

Showing that Japan can send her goods to Liverpool with a saving of 1,117 miles.

San Francisco equally becomes tributary to the Hudson bay line, as Hudson bay route triumphs over New York route to the extent of 2,126 miles.

Canadian Pacific Railway Explorations and Surveys, 1878.

| | Nautical miles. |
|---|---|
| Yokohama to Port Simpson.. .. | 3,865 |
| Port Simpson to Montreal about. | 3,000 (F.D.) |

Hurlbert Physical Atlas of the Dominion of Canada, 1880, page 10:

| | Statute miles. |
|---|---|
| Japan to Liverpool through San Francisco and New York via Burrard Inlet.. .. .. .. .. .. .. .. | 12,087 |
| Japan to Liverpool via Montreal and Belle Isle.. .. .. .. .. .. .. .. | 11,152 |
| Japan to Liverpool via Burrard Inlet and Port Nelson.. .. .. .. .. | 9,734 |

Or 2,353 miles shorter than the United States.

Map 2, atlas:

| | Nautical miles. |
|---|---|
| York Factory to Liverpool.. .. .. .. | 2,941 |
| Montreal to Liverpool (Belle Isle).... | 2,783 |
| Montreal to Liverpool (Cape Race).. | 3,025 |
| New York to Liverpool.. .. .. .. .. | 3,040 |

I have here a report of Mr. Lindsay Russell, Surveyor General, who is well known to everybody,

Mr. Lindsay Russell in his calculation of distances finds that even the city of Winnipeg, situated in the extreme southeastern part of these territories, is at least 500 miles nearer to Liverpool by Hudson bay route than by the St. Lawrence; while the difference in favour of the former will be increased continually as we advance northward into the interior. He says:

If we take a central point of the whole of the agricultural lands from Northwest Territories say in the neighborhood of Lac La Biche, longitude: 11° west latitude 55° north, we shall find that the distance from it to the city of Winnipeg is about the same as to Churchill. The distance from the latter to Liverpool is about the same as from Montreal so that between the above named centre and Liverpool, by Hudson bay route, the whole distance from Winnipeg to Montreal is saved. This amounts to 1,291 miles by way of Lake Superior and 1,698 miles by the Chicago route. The distance by way of New York is still greater than by Montreal. The advantage of this route over all others are numerous. Grain, cattle and other products of the Northwest Territories reach a European market through Ontario and Quebec or by way of New York. A large proportion of their value is consumed

by the long land carriage, whereas if they can find an outlet at Churchill there will be a saving of at least 1,291 miles as compared with Montreal, and upwards of 1,700 miles as compared with New York and this without increasing the length of the voyage ; owing to the short land journey grain from the Saskatchewan and Peace river regions could be exported by way of Hudson bay 'the same year in which it is harvested.' For the transportation of grain and fresh meat as Colonel Dennis has pointed out, the northern route besides shortening the distance, would have great advantages, owing to its 'cooler and more uniform temperature'.

We have heard a great deal in this House about the navigation of Hudson bay. We have heard inside and outside of this House that a great many believe this route to be impracticable, but I think I have figures here to prove, if figures prove anything, that the route can be navigated at least four months in the year, and that is all we claim for the route. If that route can be navigated for four months in a year, and operated up to the middle of November, it is going to be a great boon to the people of this country, because that is the time, in the fall of the year, we can get our products to market. Some hon. gentleman made a statement as to the employment of the rolling stock. He said we could only utilize the rolling stock and roadbed of the Hudson Bay Railway for a part of the year, and that we would be paying interest on idle property. The company could only operate the road four months in the year. What do Mackenzie & Mann do with the rolling stock they bring down from Winnipeg, hauling grain to Port Arthur? That is about the distance the rolling stock would have to be moved. That rolling stock could be brought down in a day and a half, perhaps in a day, possibly less. The canals of the Dominion cost millions of dollars, and they are only used part of the year. The St. Lawrence channel improvements and all the steamboats that navigate that channel cost millions, yet they are only used part of the year. A portion of this road will be used as a colonization road, and the rolling stock that is required on the 400 miles can be used on the prairie country when it is not employed on the Hudson bay route, carrying wheat in another direction over the Grand Trunk Pacific. Then, with regard to the navigation of the straits, Mr. Erastus Wiman took a great interest in Hudson bay, and I will refer to his report. Mr. Erastus Wiman, a gentleman of continental repute, has obtained reports from all the captains of whalers he could, and finds them all agreed that the navigation of Hudson bay is open all the year. He says :

I cannot understand why so much question is raised as to feasibility of going in and out of the straits when we find that these vessels, averaging 320 tons, have fearlessly navigated it so long and so profitably. The Hudson Bay Company, had made prior to the year 1883 about 730 voyages, in and out of the straits, and we find few losses mentioned—The one that is most spoken of is that of two vessels lost on Mansfield island in the year 1864, but we find the captains had been visiting on board an American whaler, and it is to be feared the hospitality of our American cousins had overcome the skippers' knowledge of navigation. York Factory has kept its record of voyages for 92 years and Moose Factory for 146 years and a few blanks which occur in these records show that the voyages were continuous, and that loss and danger never interfered with the navigation. It is even to be wondered that Hudson Bay Company did not lose more vessels ; their vessels always came in through the straits as early as possible, very often arriving about July 15, which on all hands is agreed to be about the worst time of the year for navigation, when the ice flow was most prevalent, they escaped with so little loss. The difficulty which is most presented is the harbours being closed for six months in the year.

But I would ask are not Quebec and Montreal ice bound for almost a like period? If Cabot, in 1498 ; Hudson, in 1610 ; Gibbons, in 1613 ; Baffin, in 1614, and hundreds of others since, felt no fear, and were able to venture through the Hudson bay, then the twentieth century, with its steam, iron ships, its thousand modern appliances, cannot be afraid to venture where men went fearlessly so many years ago.

Professor Hind, before a committee of the Commons of Canada, 1878 stated :

For more than two hundred years from two to five sailing vessels on an average, frequently with war-ships convoying them have sailed annually from Europe and America to Port Nelson or other ports in Hudson bay and returned with cargoes the same season via the only available route, Hudson straits. (Page 103, C.S.R. report, 1878.

Appendix No. 2, 1878, vol. XII., Journals.

Professor Henry Y. Hind says in 1814 :

Lieutenant Edward Chaffell, R.N. of H.M.S. 'Rosamond', visited Hudson bay and in the narrative of his voyage 1817, pointedly adverts to advisability of merchants sending strongly built brigs into Hudson straits early in the month of June——

Here is a gentleman who visited that country in 1814, and he thought it could be navigated in the month of June with good strong ships. I do not think there were any ships built at that time that would compare with the steamships we are building at the present day. Here is another report from the same gentleman. He says :

It is not to be expected that ships during their return to Europe from Hudson bay will ever meet with loose ice—that is flow or pan ice. (Infall F.D.)

The great rise and fall of the tides in such a narrow strait gives colour to the statement that ice never forms entirely across it, for it is well known that no agent is so powerful in preventing the formation of ice in the northern latitudes as strong and continued tidal currents. Churchill, mean tide, 8 feet, spring tide, 15½ feet, F.D.

The only hindrance to an entrance into and through Hudson straits early in June arises from the obstruction presented by the two ice streams coming from East Greenland and Baffin's bay down the west coast of Davis straits. It is reasonable to suppose that these ice streams are less cumbered in May or early in June than in July.

The straits, once entered, the chief difficulty is over, and if entered before the ice comes down, as alleged from Hudson bay, Bluff head may be reached and a new departure taken.

In a tide way, where the tides rise at neaps 30, and at springs 40 feet, and where the daily swing of the tides is from 12 to 20 miles, carrying ice backward and forward through that space twice every day, fresh channels are constantly opening which a steamer can avail herself of, but which are useless to a sailing vessel except with a fair wind.

It was said that passages have been made through the straits late in October. If that is the case there would be no difficulty in moving the crops the same year. From all accounts there seems to be no difficulty in the fall of the year in getting through the straits. (Sessional papers No. 39, Appendix 1883.)

The great width and depth of the straits and the strength of its tides probably keep it open all winter. From all I could learn or observe there appears reason to believe that the strait and bay may be navigated and the land appoached by steamships during an average of over four months in each year, or from the middle of June till near the end of October. (Sessional papers No. 39, Appendix 1883).

The strait and bay might perhaps be navigated by steam vessels earlier than the middle of June, but nothing would be gained in going out before an open harbour could be reached. Much has been recorded in favour of the above opinion from the days of the Danish captain, John Mouch, who wintered in Churchill 261 years ago (1619-20) to the present time, Churchill harbour does not freeze up until November and the sea is open close to it during the whole winter.

Appendix to the 'Journal of Commons,' 1884.

From tables given to government by Hudson Bay Company in 1880, it appears breaking up of the Hayes river at York Factory for a period of 53 years, took place mean average on May 15, the mean of the formation of ice on November 20.

May 1 is usual date of opening of Montreal harbour, November 25, that of its closing.

Dr. Bell considers the straits open for navigation to the extent of four and one half months in each year, and possibly more,—from what is already proved, known to be open for four and one half months at least, save from middle and certainly from end of June until the middle of November.

Hon. Mr. SULLIVAN—That is not from his own experience. He was never there four and one-half months.

Hon. Mr. DAVIS—He spent a good deal of time on this question, and no man in this country knows more about it than he does.

Hon. Mr. FERGUSON—He was there half dozen times.

Hon. Mr. DAVIS—Then I refer to a lecture by E. P. Leacock, to be found in Canadian Pamphlet No. 735, and I shall read from it the following :

Sir Arthur Dobbs tells that a vessel leaving Hudson bay late in fall went into an inlet for water and whilst there a floating iceberg blocked exit; the crew prepared to winter, but a change of wind towards middle of December moved the iceberg and the vessel sailed through the straits on Christmas day without meeting any ice to impede her passage.

A record has been kept by the Hudson Bay Company at Hayes river for 50 years and that record shows that the river has been open an average of 6 months in the year.

There can be no doubt the Hudson Bay Company did not keep this record with any view of its ever being as evidence in the future of the fact that the navigation of Hudson bay was good. No one can accuse the company of having ever been anxious to open up trade into this region, and therefore, the record kept by their employees evidently for their own information and without any view to the purpose for which it is and will now be used must be taken as best evidence possible.

The United States have not neglected the Hudson bay region—Official returns of years 1863-4-5-6 show their whalers took out more than $1,000,000 whale oil and whale bone. In 1874 and preceding years 50 voyages of United States vessels had been made, and the profit to the United States, $1,371,000.

I remember reading the report of the committee of the House of Lords, which took the evidence of the Hudson Bay officials, and before that committee they stated that the province of Manitoba, with the exception of a little strip along the bank of the Red river, was a swamp, and that Alberta and Saskatchewan which are producing all this wheat, were not fit for anything but Indians ; that a white man could not exist there. I am an old pioneer in that country. I have been there 28 years, and we have had to fight every inch of our way.

We have met with the same old story about ice and snow and frost; we have stayed with it and we have established the fact that our country is not the frozen region which a great many in this eastern part of the Dominion lead you to think. We have had more trouble fighting the opinions of the people in our own country than those of strangers; but I am glad to know that that is all over and that every man in Canada has come to the conclusion that the best part of our heritage is that western country. I desire to refer to a few remarks made by the hon. gentleman from De Lanaudière (Hon. Mr. Casgrain). I am very sorry I had not the pleasure of listening to the hon. gentleman when he was making his speech. I was told by an hon. gentleman who was present, that he treated the House to a beautiful description of a naval battle on Hudson Bay. The hon. gentleman told me that you could imagine you heard the guns booming, and could see the smoke and between each of the flashes of the cannon, he generally observed an iceberg. He took a great deal of time to picture the terrible icebergs floating around the bay. I do not think any hon. gentleman from the province of Quebec or any hon. gentleman from any other province would thank me if I were to rise in this Chamber and describe the icebergs floating through the Straits of Belle Isle, nor would I receive any thanks if I described the icebergs on the Straits of Northumberland, or along the Labrador coast. I do not think we should describe these icebergs in such terrible pictures as my hon. friend did the other day.

Hon. Mr. SULLIVAN—The hon. gentleman does not dispute his account of the battle?

Hon. Mr. DAVIS—I am not as well posted in ancient history as my hon. friend from De Lanaudière seems to be.

Hon. Mr. SULLIVAN—It is not a matter of ancient history. Does the hon. gentleman contradict him?

Hon. Mr. DAVIS—I will not contradict him when he says there was a battle. If 54 gun ships could go into Hudson Bay, and treat the aborigines along the shore to the excitement of a fine naval battle, I think it goes to prove our statement that the bay is navigable. If they could go in there one hundred years ago with an old frigate, surely you could go in there now with a modern steamship in which you could steam around the ice. In the debate the other day, Hon. Mr. Power said:

Can the hon. gentleman give me a little light on this same subject he has been dealing with. Are there not statistics showing at what season the Hudson bay ships have been in the habit of coming into the bay and at what season they left?

Then Mr. Casgrain said:

I may say, offhand, that for the last 200 years the average time for these ships going in has been about September 2. They were sailing vessels; of course steamships would go faster.

Wherever the hon. gentleman got his information I do not know, but I have extracts from the log books of the Hudson Bay Company's steamers that have run for years and years, and it might not be out of place to read from them. The hon. gentleman from De Lanaudière further stated.

Now, if a steamer not specially constructed to meet such conditions were caught in such ice, it would be crushed like an egg shell. There are no commercial steamers that could possibly live between an iceberg and field ice travelling in opposite directions. The ships navigating those waters must be specially constructed. The 'Neptune' was especially constructed.

Again Senator Casgrain says:

Hon. Mr. CASGRAIN—I said I would not take stock in such a railway. I believe there is an application before parliament for a charter to build to Fort Churchill, I would have no fault to find with such a road, but I do not think it would pay for some time to come.

We have heard this story before when the Canadian Pacific Railway was built. Always blue ruin and song birds. He also says:

The people from Quebec have contributed to build railways in the Northwest, that they have been badly treated. I think the farmers of the Northwest are well treated, and will still be well treated.

What do we find from Mr. Low's report of the cruise of the 'Neptune,' page 39? He says:

The northwestern part of the bay was free from ice and none to obstruct navigation was found in Fisher and Evens straits. Large quantities of ice was encountered between the mouth of Evens strait and Diggs, at the western end of Hudson's strait but with little trouble safe passage was found through it and there is no doubt that an ordinary unprotected iron steamship would have passed through it at that time without trouble or danger. On the western part of Hudson's strait, the ice was heavier but

there was open water on the north side of the strait through which the whaler 'Active' had already passed into the bay.

The important point to be noted is that during all the times the 'Neptune' was beset with the ice during the passage east along the south side of the strait there was never any sign of the surrendering ice rafting by the pressure occasioned by the change of tides and never was the pressure about the ship sufficent to cause damage to an unprotected ship.

There is little doubt that if a more northerly course had been taken in the passage eastward much more open water would have been found, including an unobstructed passage from at least the western end of Charles island, while to the westward open lanes probably have extended to the neighbourhood of Nottingham island.

Hon. Mr. CLORAN—What was the date of that?

Hon. Mr. DAVIS—It is the cruise of the 'Neptune.' This gentleman cruised around that bay and the hon. gentleman from De Lanaudière never was in the locality. Mr. Low says, 'you can go in there with unprotected vessels.' The hon. gentleman from de Lanaudière said you could not; that it was the 2nd of September, before the Hudson Bay Company's steamers could get into the bay. I shall now refer to the following extract from the log-book from the steamer 'Ocean Nymph':

Left London, June 12; Stromness, July 1; July 25, ship to eastward of Cape Chudleigh; saw the land; come up with ice, took in light sail courses up; 26, in Hudson strait, clear water.

August 7, passed through some thin ice; 10, arrived at Churchill.

September 1, sailed from York Factory for London; 9, in Hudson straits, one iceberg in sight; 14, crossing Davis strait, passed one iceberg.

October, arrived of North Forelands.

Remarks: the ship entered the strait July 25, and arrived at Churchill August 10, without meeting any detention by ice; a steamer could have passed the strait as early as July 1, this season.

Then I will read an extract from the log of the ship 'Prince of Wales' 1877:

Sailed from London June 12, 1876; sailed for Stromness July 3.

August 5, latitude 61 degrees 22 minutes north, longitude 61 degrees 16 minutes; in ice; sighted an iceberg; foggy. 6th, made Cape Resolution. 17th, entered Hudson bay. 30th, arrived Moose Factory; sailed from Moose Factory September 20th; entered Hudson strait 26th September; left strait October 3.

Arrived Gravesend November 6.

An extract from the log-book of the Hudson Bay Company's ship 'Prince of Wales' from London to Moose Factory:

Sailed from London June 12, 1876; sailed from Stromness July the 3rd, 1876. August 5, latitude, 61 degrees 22 minutes north; longitude, 61 degrees 16 minutes west; sighted an iceberg to the westward; foggy weather. 6th, made Cape Resolution, north by west; several icebergs in sight. 8th, hove to in fog; ship entered Hudson bay, no ice. 17th, arrived at York Factory, 30th; sailed for London September 20th. 26th, entered Hudson strait. October 2, icebergs in sight. 3rd, left Hudson strait. Arrived Gravesend November 6

Then Captain Jacob Tabor of New Bedford, who made two voyages to Hudson bay in 1862 and 1863, remarks that the entrance to the bay can be made from the 11th to the 15th of July. Steamers would have a great advantage over sailing vessels, as they could steam inside of all obstructions from ice, water being held close in shore tides strong six to seven miles, but quite regular and no trouble going out up to the 1st of November.

Hudson bay is open all winter and what little ice makes on the shore breaks up with every gale of wind; about 30 feet rise and fall in the tide in the straits and north part of the bay and the currents are swift.

Captain St. Cair, of the ship 'A. Horton' of New Bedford, remarks June 17, 1877: Entered into the bay; came out September 15 to 25, 1878. Captain St. Clair lost his log books, but was of the opinion that a steamer could go in by July 1, and come out as late as in the year 1878, in which year the ice did not appear until November 12.

Captain Nathan B. Fisher made eight voyages to Hudson bay, covering sixteen years. He says a steamship can enter and go through the straits some ten days sooner than a sailing vessel, say by 1st of July, and some seasons sooner. Whalemen never had any trouble coming out.

It has been stated by some hon. gentlemen that insurance rates by this route would be very high, but I want to point out that such would not be the case. The Hudson Bay Company have navigated this route for years, with so very little loss that now I understand they do not insure their ships at all.

The following is a synopsis of the dates

on which the Hudson Bay Company's ships entered and passed through the Hudson straits during years from 1870 to 1883 inclusive:—

THE following is a synopsis of the dates on which the Hudson Bay Company's ships entered and passed through the Hudson Straits during the years from 1870 to 1883 inclusive:—

| Name of Ship. | Year. | Entered. | Passed Through. | Conditions of Ice. |
|---|---|---|---|---|
| Prince Rupert | 1870 | July 30.. | August 16.. | Some heavy ice. |
| " " | 1871 | " 19.. | July 29.. | No detention. |
| " " | 1872 | " 29.. | August 8.. | " |
| " " | 1873 | " 29.. | " 7.. | " |
| Ocean Nymph | 1874 | August 2.. | " 10.. | Heavy ice two days. |
| " " | 1875 | " 7.. | " 28.. | Heavy ice. |
| Lady Head | 1875 | " 19.. | " 23.. | No ice. |
| Ocean Nymph | 1876 | " 6.. | " 17.. | No detention. |
| Prince of Wales | 1876 | " 10.. | " 15.. | " |
| Ocean Nymph | 1877 | " 10.. | " 13.. | " |
| Prince of Wales | 1877 | " 4.. | " 14.. | " |
| Ocean Nymph | 1878 | July 31.. | " 14.. | " |
| Prince of Wales | 1878 | " 27.. | " 5.. | No ice. |
| Ocean Nymph | 1879 | " 25.. | " 5.. | " |
| Prince of Wales | 1879 | " 22 . | July 28.. | " |
| " " | 1881 | " 28.. | August 3.. | Not detained. |
| " " | 1882 | " 26.. | " 6.. | Heavy ice. |
| " " | 1883 | " 22.. | " 23.. | " " |

The hon. member from Halifax (Hon. Mr. Power) asked:

Whether, on the whole, it is a desirable thing, an absolutely necessary thing, that this road to Hudson bay should be opened. It is very well to say that this is a selfish view for the people of the east to take, but after all the east has been, until very recently at any rate, paying for most of the work that has been done, and that work has been chiefly for the benefit of the west. I do not think the west should expect us to be over anxious to spend money for the purpose of taking away from this part of the country the advantage that may arise from the great expenditures that have taken place.

. . . . . .

question, which I do not claim to do—I have no doubt the hon. gentleman from Marshfield does though—that as a rule the local traffic is the traffic that makes a railroad pay. But there cannot be any substantial local traffic on a road located from near the mouth of the Saskatchewan to Fort Churchill. There will be very little local settlement. There may be, perhaps, a certain amount of fish carried over the road, but that would not account for a great deal, and I do not understand myself how you are going to make a railway pay which will have business for not more than four months of the year. That is one of the questions that has to be considered.

Suppose that we are generous and build this railway; and say that to Fort Churchill it may be used for four months in the year. What is going to become of the railway during the other eight months?

The hon. gentleman from De Lanaudière (Hon. Mr. Casgrain) made a statement to the same effect. We in the west are getting tired of such statements. I can prove that instead of the west getting rich at the expense of the east, the reverse is the fact.

Hon. Mr. POWER—Dispense.

Hon. Mr. DAVIS—No, I will not dispense. I want to prove that the east is getting the best of the bargain. They talk of the vast expenditures in the west, but what about the expenditures in the east? You have $80,000,000 of the public money tied up in the Intercolonial Railway, and the people of the west have to pay their share of the interest on that investment. The road does not earn a cent above its expenses. The day will come when the people of the west will pay 90 per cent of the principal. What about the millions of money spent in building the canals? How many millions have been shovelled into the channel of the St. Lawrence? I am not complaining—nobody hears a complaint from the people of the west because of these vast expenditures in the east. We believe that we are building up a great nation, and we have a national spirit and do not grumble; but when hon. gentlemen tell us that the west is profiting at the expense of the people of the east, I am obliged to show that it is a mistaken view. Take the debts of Ontario and Quebec.

They entered confederation with a debt of $30,000,000 each, contracted in making public improvements in those provinces. Alberta and Saskatchewan came in with a debt of $8,000,000 each. The time is not far distant when the people of Alberta and Saskatchewan will be paying $4 interest on the debt of Ontario and Quebec, while the people of Ontario and Quebec will be paying $1 on our debt. Yet we are told that the west is benefiting greatly at the expense of the east. There has been no large amount of money spent in the west for the benefit of the people of the west. The Canadian Pacific Railway was constructed, and it was good policy to build it, but it was not alone for our benefit. I venture to say that there was a great deal of grumbling when it was undertaken, not only among the Grits, but amongst the Conservatives. The statement was made that it would not pay for the grease to lubricate the axles of the trains. When the war cry was sounded, the Conservatives voted for it, because it was the project of the Conservative government; but, no doubt, they grumbled in secret; they did not like it. That road was built to keep British Columbia in the confederation, and how was it built? The company received 25,000,000 acres of our lands and a small subsidy in cash of $25,000,000. You will find the people of Manitoba, Alberta and Saskatchewan got very little out of it. How much money was put in the Canadian Northern Railway? Not one cent. You give a guarantee of bonds that you will never be called upon to pay. How much do you give for the Grand Trunk Pacific? Is that being built altogether for the benefit of the west? Certainly that portion from north of Lake Superior to Moncton is not for the benefit of the west.

Hon. Mr. LANDRY—It was imposed by the west upon us.

Hon. Mr. FERGUSON—It was imposed as much on the east as on the west.

Hon. Mr. DAVIS—What do we find here now? When a very important question like this, affecting the whole of that western country—because the opening up of that route is dear to the hearts of the people of the west, and 95 per cent of them have absolute faith in the future of that road—we find that there are but fifteen representatives from Manitoba, Saskatchewan, Alberta and British Columbia on the floor of this House to stand up for their rights, while Ontario and Quebec have each twenty-four representatives, and the group of maritime provinces twenty-four. Does any reasonable man believe we are not entitled to as much representation in the Senate as Ontario or Quebec or the maritime provinces? It is not population on which our representation should be based. It is a question of interest, and we have not our proper representation either here or in the cabinet. We have but one minister from all Manitoba, Alberta and Saskatchewan in the cabinet, while Nova Scotia has two, New Brunswick one, Quebec five and Ontario five; still we are told we are getting more than we are entitled to.

Hon. Mr. LANDRY—Why don't you kick?

Hon. Mr. DAVIS—I don't believe in kicking. I do not believe in this sectional spirit which is displayed. I do not think sectionalism ought to be brought into the discussion of this question.

Hon. Mr. LANDRY—Then you take back part of your speech.

Hon. Mr. DAVIS—No, I did not introduce it. It was introduced by Senator Casgrain, Senator Power and others.

The SPEAKER—The hon. gentlemen should abstain as much as possible from mentioning names.

Hon. Mr. DAVIS—I beg the Speaker's pardon; I do not remember the constituencies which these hon. gentlemen represent. I have shown that the Hudson bay route is feasible for four months of the year with properly constructed steamships, and, if opened up, we could export with its assistance all the surplus products of the Northwest. If we had that route this year, we would not have two-thirds of last year's grain held in the Northwest as we have to-day. I do not think the opening up of the Hudson bay route will interfere with any of the existing lines of railway. I have great faith in the future of the west; I believe it will produce sufficient freight to give all the railways more than they can do. The line proposed for construction is

only 400 miles in length. Of that 270 miles is a colonization road, through a good agricultural country; so practically, it means the construction of 200 miles of road. It is a national undertaking, and we expect the nation to build it. If it will not, Manitoba, Alberta and Saskatchewan are big enough to construct it themselves. But it is a project that will benefit the whole country; it will increase our wealth in the west, and you in the east will get the benefit. It is a very small matter, when you take into consideration that there is only 200 miles of road which is not a colonization road, and that part can be constructed at a very low cost, just as low as some of the prairie roads that are being built at present. I think, therefore, the route should be opened up at once. Hudson bay has been navigated for 200 years, and it is a shame that such a feasible route to the west has not been opened up before now. I believe in the west. I am not the only one who believes in it. Two of the greatest statesmen this country has ever produced have believed in it. Sir John Macdonald, one of the greatest minds this country has ever produced, had faith in the west. Sir Wilfrid Laurier has wonderful faith in that great country, and he demonstrated it the other day when he said that something would soon have to be done towards the opening up of this route. Let us bury parish politics; let us gauge the future by the experience of the past. No one should expect to get all the trade of the west carried through his back yard. Trade will follow the lines of least resistance. You might as well try to empty the Ottawa river with a teaspoon as prevent the Hudson bay route being opened up and used for the transportation of the products of the western country to the markets of the world.

Hon. Mr. LOUGHEED moved the adjournment of the debate until Thursday next.

The motion was agreed to.

SECOND READING.

Bill (D D) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Talbot.)

The Senate adjourned until to-morrow at 3 o'clock.

Hon. Mr. DAVIS.

## THE SENATE.

OTTAWA, Wednesday, February 27, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### TEMISCOUATA RAILWAY BILL COMPANY.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (V) An Act respecting the Temiscouata Railway Company, with two amendments. He said: The first amendment consists in adding to clause 1, the words 'pending the issue of the said consolidated mortgage income bonds'. That was put in so that there could be no misunderstanding as to the fact that a person could have either the scrip certificates or the bonds, to make it clear that they must have one or the other. The next amendment was to leave out the word 'unregistered', so that at times of election none of those holding unregistered certificates would be entitled to vote. As this Bill has to go to the Commons, and as the amendments are only formal amendments, I would, with the leave of the House, move that they be concurred in now.

Hon. Mr. LANDRY—I want to follow the regular course. If the hon. gentleman wishes to suspend a rule, he must cite the rule which should be suspended.

Hon. Mr. CASGRAIN—Will the hon. gentleman give me the number of the rule?

Hon. Mr. LANDRY—No, I will not.

Hon. Mr. CASGRAIN—Then I move that the amendments be taken into consideration to-morrow.

The motion was agreed to.

### QUINZE AND BLANCHE RIVER RAILWAY COMPANY INCORPORATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (65) An Act to incorporate the Quinze and Blanche River Railway Com-

pany, with one amendment. He said : The committee has amended this Bill by adding clause 15, which has been considered in this House a standard clause, and is intended to protect provincial rights, and to enforce any provincial legislation which might affect the said railway. I move that the amendment be taken into consideration to-morrow.

The motion was agreed to.

## THE COLLECTOR OF CUSTOMS AT ST. JOHNS, P.Q.

### INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. Was Dr. D. H. Wood, recently collector of customs at St. Johns, P.Q., in the course of last autumn called to occupy a position in the Department of Customs at Ottawa ?
2. Has he been replaced as collector of customs at St. Johns, P.Q., by a person named Gedeon Fredette, jr.?
3. Has this Mr. Gedeon Fredette undergone the examinations prescribed by the Civil Service Act ? When ? If this new holder of the office has not complied with the requirements of the law, does the government intend to see that he conforms therewith immediately by passing the requisite examinations ?

Hon. Sir RICHARD CARTWRIGHT—I am advised as follows :

1. Dr. H. W. Wood, recently collector of Customs at St. Johns, P.Q., was transferred to a position in the Customs Department at Ottawa last autumn.

2. The vacancy arising at St. Johns, P.Q., through Mr. Wood's transfer to Ottawa, has been filled by the appointment of Mr. Gédéon Fredette, junior, as collector of customs.

3. A collector of customs is not required to pass a qualifying examination under the Civil Service Act.

## SPECIAL TRAINS ON THE INTERCOLONIAL RAILWAY.

### INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. What are the explanations given to the superintendent of the Intercolonial Railway by that train despatcher who, in consequence of a misunderstanding, according to the statement of the aforesaid superintendent, took upon himself without any authority to have run, on the night of December 26-27 last, a special passenger train between St. Léonard Junction and Nicolet, on the Intercolonial Railway ?
2. By way of what misunderstanding did he manage to act in violation of the regulations of the Intercolonial Railway ?

Hon. Mr. SCOTT—No explanations other than what was stated in answer to question of 30th January.

The despatcher was instructed to allow the branch train to proceed to Nicolet with the passengers, and to return for connection with No. 153, as the latter train was late.

Instead of doing as above described, he held No. 146 until No. 153 arrived, and then proceeded to Nicolet. Later in the day ran a special trip.

Hon. Mr. LANDRY—We might let it stand a few days more in order to get a complete answer from the hon. gentleman.

## GUNS FOR THE BEAUMONT BATTERIES.

### INQUIRY.

Hon. Mr. LANDRY inquired :

1. How many rounds of ammunition has the government bought for the guns of the Beaumont batteries ?
2. At what price ?
3. When and from whom was this purchase made ?
4. Is there in this country, under the direction and control of the government, or otherwise, a manufactory of warlike material and munitions of war, capable of furnishing all the warlike material required, and all the munitions of war necessary for our siege guns and field pieces, in the event of an enemy's fleet cutting our communications with England ?

Hon. Mr. SCOTT—The same price which the contractors charge the War Office for the same materials, plus proof and inspection charges. This has not yet been settled. In reply to the third question, from Vickers Sons & Maxim, Limited. In answer to the fourth question, no.

## THE STEAMER 'MONTCALM'.

### INQUIRY.

Hon. Mr. FERGUSON inquired :

1. How many men are now or have been employed on the government steamer 'Montcalm', giving the name of each, the date of his employment, the nature of his duties, the amount of his remuneration, and stating in each case whether the employment has been permanent or temporary ?
2. What service or services has the said steamer been engaged in, since her construc-

tion? If there have been different services the statement to show definitely the time devoted to each service?

3. At what places in the St. Lawrence or elsewhere has the said steamer operated in ice-breaking, and to what extent has such operation resulted in opening passages for ordinary shipping?

4. What has been the total cost of maintenance of said steamer, including wages, fuel, repairs, board of crew, and other expenses, from the time she commenced service (the date to be stated) up to the 25th instant?

5. And showing the tonnage, horse-power, and original cost of said steamer?

Hon. Mr. SCOTT—Would the hon. gentleman allow that to go as a return? The department tell me that they cannot answer it catagorically.

Hon. Mr. FERGUSON—I have no objection.

## W. T. R. PRESTON IN SOUTH AFRICA.

Hon. Mr. FERGUSON—As I observe the right hon. Minister of Trade and Commerce is in his place, I wish to call his attention and that of the House to the rather remarkable conduct of an officer of his department, in the pay of the government of Canada, in putting forth the superior claims of South Africa over those of Canada in the matter of immigration. I have an English paper on my desk, in which Mr. W. T. R. Preston, a man whose name we are tolerably familiar with in Canada, in a letter to the London 'Express', of the 11th instant, makes use of the following language:

South Africa can more readily support millions of population in its agricultural possibilities between Table Mountain and the Zembezi than Canada can between Winnipeg and the Rocky Mountains.

Hon. Sir RICHARD CARTWRIGHT—Has the hon. gentleman a copy of the paper?

Hon. Mr. FERGUSON—I have an English paper in which this extract is republished.

Hon. Sir RICHARD CARTWRIGHT—Has the hon. gentleman the paper in which it originally appeared?

Hon. Mr. FERGUSON—This is in quotation marks, and is an extract from a letter from Mr. Preston published in the London 'Express' on the 11th of this month, and the words he uses, according to the 'Canada Gazette', are those which I have read to the House. I have no doubt my hon. friend will tell the House that his department has not instructed Mr. Preston to set forth the claims of South Africa or of any other country as being superior to those of Canada. If he has those instructions, my hon. friend will say so and assume the responsibility for them; but I take it for granted that Mr. Preston has been doing what he has often done before, taken upon himself to say things without authority. As representatives of the tax payers of Canada who are finding the salary for Mr. Preston to do some work, whether in South Africa or Japan, we do not expect he will set forth the claims of South Africa or of any other country as being a field for immigration in preference to those of Canada.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that I shall cause inquiry to be made with regard to this matter. But what he has sent me is a statement in the 'Canada Gazette', purporting to be copied from the London 'Express'. I think it would be necessary to get the London 'Express' to see what Mr. Preston actually did say.

Hon. Mr. FERGUSON—That paper is not taken here.

Hon. Sir RICHARD CARTWRIGHT—I should doubt extremely if he made the statement herein contained, and, undoubtedly, if he has done so, I shall call on him for an explanation; but I should like to have the original document, before I express a further opinion on his conduct.

Hon. Mr. FERGUSON—It is quite true that I am not in a position to produce the London 'Express'. The paper does not appear to be taken in Ottawa, and, from inquiries that I have made, I feel almost certain that it is not taken in Canada at all. It does not appear in any of the public libraries in an official way, but my hon. friend will readily admit that the 'Canada Gazette' is a very excellent authority, and when it quotes these words and places them within quotation marks, my hon. friend will not, I am sure, cherish the thought for a moment that they have not been written by Mr. Preston, and that they are not contained in the letter in question. I think the 'Canada Gazette' would surely be above the suspicion of garbling the letter.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend knows it is very dangerous to accept hearsay evidence, no matter how good the intention of the party may be. I should say, on reading that paragraph, that it was excessively unlikely that Mr. Preston had used the language there imputed to him, but I shall make inquiry. If necessary I will send expressly to London, and I have no doubt I will be able to obtain the actual paper and the actual letter which he may have sent.

Hon. Mr. McMULLEN—This is an exceedingly important matter. If Mr. Preston has dared to use the language that is attributed to him by a London paper, he not only deserves a sharp rebuke, but he deserves to be dismissed. We cannot afford to keep officers in this country drawing a good salary and pocketing Canadian money and at the same time advocating the cause of other colonies against our own. I think this matter should be probed to the bottom, and if Mr. Preston has dared to do what the hon. gentleman from Marshfield has said that he did——

Hon. Sir RICHARD CARTWRIGHT—Oh no, the hon. gentleman did not say he had done so. I beg to correct my hon. friend. I think it is very unfair and unjust to absent men that on a hearsay statement they should be condemned in this fashion, and no officer of mine, while I hold a portfolio here, will be condemned in that way until I have had an opportunity of ascertaining what was actually said, and getting his defence.

Hon. Mr. McMULLEN—I am not assuming that he did it at all. I said 'if he is guilty'——

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. McMULLEN—I prefaced my remarks with that statement—if he is guilty of conduct such as that, he deserves to be dismissed, and I say it should be probed to the bottom.

Hon. Mr. LANDRY—I suppose the hon. gentleman does not know that the government is putting in force a rule of this House that no preamble shall be given to any remarks?

## COMMONS BILLS NOS. 3 AND 4.

Hon. Mr. PERLEY—I would like to ask the leader of the government what has become of Bills No. 3 and No. 4, which have passed the House of Commons, but which have not been taken up in this House.

Hon. Mr. SCOTT—I do not keep tally of the Bills. I am not equal to that effort. When Bills come from the House of Commons, if no hon. gentleman is prepared to move them, they lie on the table, and probably these Bills will be found in that position. The members of the Commons are rather negligent in regard to asking hon. senators to take charge of their Bills, and very often they are taken up by volunteers. If they are not so taken up, of course they lie on the table.

Hon. Mr. LANDRY—I think in a case of this kind hon. gentleman would be entitled to make a motion that they be placed on the order paper without being required to give notice.

## OTTAWA LIFE INSURANCE COMPANY BILL.

### REFERRED TO BANKING AND COMMERCE COMMITTEE.

Hon. Mr. KERR moved :

The suspension of rule No. 119, so far as it applies to Bill (AA) intituled : 'An Act to incorporate the Ottawa Life Insurance Company,' so that the said Bill may be considered at the next meeting of the Standing Commitee on Banking and Commerce.

He said : This Bill received its second reading yesterday, and was referred to the Standing Orders Committee; but, at the moment, it occurred to me that that committee would be meeting this week and may not be sitting next week, and as the Bill will have to go to the House of Commons, I think it would not be unreasonable to ask for the suspension of the rules in order that the Bill may go to the Standing Orders Committee at its next meeting. The Bill is, in my opinion, a proper one, and one which, as far as I know, is not likely to be opposed.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (79) An Act respecting the Great West Railway Company.—(Hon. Mr. De Veber.)

Bill (58) An Act to incorporate the Western Rivers Improvement Company.—(Hon. Mr. Watson.)

Bill (78) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young.)

Bill (80) An Act to incorporate the Prudential Financial Society.—(Hon. Mr. Watson.)

Bill (54) An Act to incorporate the Edmonton, Dunvegan and British Columbia Railway Company.—(Hon. Mr. Bostock.)

Bill (59) An Act respecting the surveys of the Public Lands of the Dominion and the surveyors entitled to make such surveys.—(Hon. Mr. Scott.)

Bill (28) An Act to incorporate the Residential Fire Insurance Company.—(Hon. Mr. Sullivan.)

Bill (15) An Act respecting the Joliette and Brandon Railway Company.—(Hon. Mr. Thibaudeau, de la Vallière.)

Bill (71) An Act to incorporate the Burrard, Westminster Boundary Railway and Navigation Company.—(Hon. Mr. Riley.)

Bill (46) An Act to incorporate the Manitoba Radial Railway Company.—(Hon. Mr. Young.)

## JORDAN-ERIE POWER COMPANY BILL.

### THIRD READING.

Hon. Mr. KERR (in the absence of Hon. Mr. Casgrain) moved the third reading of :

Bill (N) An Act to amalgamate the Jordan Light, Heat and Power Company and the Erie and Ontario Development Company, Limited, into one corporation under the name of the Jordan-Erie Power Company.

Hon. Mr. POWER—I beg to move the amendment of which I gave notice yesterday.

The motion was agreed to and the Bill as amended was read the third time.

## SPAIN DIVORCE BILL.

### THIRD READING.

Hon. Mr. McMULLEN (in the absence of Hon. Mr. Watson) moved the third reading of Bill (CC) An Act for the relief of Osprey George Valentine Spain.

Hon. Mr. WILSON—When the motion for the second reading of this Bill was made yesterday, I mentioned that I should call the attention of this House to statements made by the hon. member for Wellington in the debate upon the adoption of the Divorce Committee report. I now call the attention of the Senate to what he then stated, and, in doing so, I regret exceedingly to refer to any personal matter. It is something which, I think, we ought to avoid as far as we possibly can, but when we are deliberately misrepresented, I think it is our bounden duty to defend ourselves and to protect the Senate. On that occasion the hon. gentleman said :

> We had been unanimous in our conclusion, with the exception of the hon. gentleman from St. Thomas, who appears to differ from us on almost every case. We have to put up with that. The House has placed him on the committee. I do not say that he is not conscientious and so forth.

What I have to say here is that I defy that hon. gentleman to say that I opposed almost every Bill. I opposed one Bill last session, the Hadley Bill. I agreed with the Divorce Committee last session upon the report in the Spain case. My hon. friend from Wellington sent in a minority report on that occasion. This session I have opposed the granting of a divorce to Spain. From the evidence submitted I thought I was justified in so doing, and I have not had an opportunity to express an opinion in this House upon the Hadley case this session. Therefore his statement that I, on almost every occasion, oppose these Bills is not well founded. I challenge him to mention any instance in which I have opposed divorce Bills with the exception of the ones I have mentioned. I have no hesitation in saying that his statement is absolutely incorrect, and I cannot imagine why he made it. I might use a stronger term to express my views on the subject, but I merely say his statement is inaccurate in every particular. Last year I conscientiously opposed the Bill now before us and a majority of the House agreed with me. I would not have this honourable body imagine that I would remain on the committee if I were deliberately and consistently acting against the majority. It is the duty of any individual member, who cannot agree in a general way with the committee, to withdraw from that committee. However, I do not ask or desire the hon. gentleman from Wellington to dictate to me what my con-

scientious convictions should be. I shall not oppose the third reading of the Bill.

The motion was agreed to on a division, and the Bill was read the third time and passed.

## INTERCOLONIAL AND PRINCE EDWARD ISLAND RAILWAYS EMPLOYEES PROVIDENT FUND BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (68) An Act to establish the Intercolonial and Prince Edward Island Railways Employees Provident Fund.

(In the committee.)

On clause 2, subsection (c) :

(c) 'Employee' means and includes any male officer and employee of His Majesty employed upon, and duly appointed to, the staff of the railway and giving his entire time to the service of the railway, to whom this Act applies, and includes any person employed by His Majesty upon the government official cars.

Hon. Mr. LOUGHEED—Why is 'employee' limited to male employees in the Intercolonial Railway service ? I apprehend there are women who are practically doing the same work as men—clerical work, office work, and other important branches of duty in connection with the railway. It seems to me it is drawing a distinction which is really not warranted, provided the duties be the same ?

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is a gallant gentleman, and I am glad to see he stands up for the rights of the fairer sex.

Hon. Mr. LOUGHEED—I am sorry my right hon. friend does not look at it in the same way.

Hon. Sir RICHARD CARTWRIGHT—The clause struck me, when I was reading the Bill. I rather think it will be found on the Intercolonial railway that with the exception possibly of a few clerks, the employees are male. As my hon. friend knows, the lady clerks frequently have a habit of changing their name and condition, and I am rather inclined to think this fact was pretty fully considered by the hon. minister. I will ascertain if he has any special reason for it. There are very few, if any, in the employ of the Intercolonial railway who would be affected by this clause.

Hon. Mr. LOUGHEED—If they change their names in the way indicated by my hon. friend, the government will not be called upon to pay for their superannuation allowance, unless they remain a number of years in the service of the government. I understand there is a clause requiring that there must be service covering a number of years.

Hon. Mr. LANDRY—Further on I see that the term 'includes any person' is used. Will that include male and female employees ?

Hon. Sir RICHARD CARTWRIGHT—I do not think so. I think this subclause (c) will govern. However, I shall make further inquiry as to that particular point.

Hon. Mr. POWER—Perhaps my right hon. friend would allow this clause to stand. I have received a couple of letters in connection with the Bill.

Hon. Sir RICHARD CARTWRIGHT—With respect to subclause (c) ?

Hon. Mr. POWER—The definition of employee.

Hon. Sir RICHARD CARTWRIGHT—Relating to the same point that has been raised by the hon. leader of the opposition?

Hon. Mr. POWER—No.

Hon. Sir RICHARD CARTWRIGHT—I have no objection to let the clause stand. I do not want to press any clause to which objection is taken or respecting which explanation is desired. We may as well dispose of those clauses to which the House takes no objection, and reserve only those concerning which further explanation is desired.

Subclauses (c) and (h) were allowed to stand, and the remainder of the clause was adopted.

On clause 4,

4. His Majesty shall contribute annually to the fund, out of the gross earnings of the railway, an amount at least equal to the total monthly contributions by the employees, but not exceeding in any one year one hundred thousand dollars, in such sum or sums as the Governor in Council from time to time determines to be necessary for the maintenance of the fund.

Hon. Mr. LOUGHEED—Might I ask my right hon. friend if this is in the proportion of contributions made by the other large railway systems of Canada to their superannuation funds ?

Hon. Sir RICHARD CARTWRIGHT—If I remember right, I stated to the House at the second reading that this Bill, I understood, was modelled on the Grand Trunk Railway superannuation scheme. I am now advised by the department that it was rather modelled on the provisions of the Baltimore and Ohio Railway and not the Grand Trunk Railway. As to the exact amount of the contribution, I think this is not precisely similar.

Hon. Mr. LOUGHEED—I presume that the Government will be contributing somewhat more generously to the fund than the other railway systems ?

Hon. Sir RICHARD CARTWRIGHT—No, I rather think it will be the other way. I do not think they levy on the wages of their employees as heavy a percentage as we propose to do.

Hon. Mr. McSWEENEY—What is the contribution this year ?

Hon. Sir RICHARD CARTWRIGHT—About $60,000. I believe.

The clause was adopted.

On clause 5,

5. Every employee shall contribute to the fund monthly one and one half per cent of his regular monthly salary and wages, which percentage shall be deducted by the minister each month out of the said salary and wages, and so long as he remains in the service he shall in like manner continue to contribute to the fund upon the said basis, or upon such other or new basis as is established or provided for in this Act ; but, in order to provide for the payment of allowances to be provided under this Act to persons who become entitled thereto immediately or soon after the coming into force of this Act, the first monthly contribution by the employees shall be three per cent instead of one and one-half per cent.

Hon. Mr. LOUGHEED—May I ask my right hon. friend if this contribution is based on actuarial tables, or in what way the percentage is arrived at ?

Hon. Sir RICHARD CARTWRIGHT—I understand from the department, that this is based on actuarial calculations that they have made, which I believe were revised by the Finance Department.

Hon. Sir MACKENZIE BOWELL—That would only apply to those who have been paying into what might be termed the superannuation fund. How is it with those who retire, having paid nothing to the fund ? If I understand, the reason of the Minister of Railways and Canals for introducing this Bill was to enable him to retire a number of officials and employees who had been in the service for a number of years, with a view to economy in the management of the road, but who could not pay anything into the fund. Is it proposed to superannuate them, or give them a retiring allowance out of the $100,000 to be set aside under this Act for the purpose of retiring those who have never put anything into the fund ?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Sir MACKENZIE BOWELL—And the monthly allowance only applies to those continued in the service, or who may hereafter be employed?

Hon. Sir RICHARD CARTWRIGHT—Yes. It is almost of necessity that the aged employees who are being retired at once will receive a benefit to which they have not contributed. The position taken by the hon. Minister of Railways is this : He stated to the House of Commons, when introducing the Bill, that he found a very considerable number of employees on the rolls receiving full pay, who were practically inefficient, who had outlived their usefullness altogether, but whom he could not and would not turn adrift into the streets, and no doubt a considerable part of the contribution which the government are to make will go to provide for these people. The minister expressly stated, however, that it would really be a saving to the country, because, unless he did something of the kind, these men would continue on secula seculorum to draw their salaries and receive a good deal more than the superannuation allowance for doing nothing. My hon. friend's experience will tell him that this Superannuation Bill, and all Superannuation Bills, have been introduced in large measure on that ground. You cannot expect that any minister or government will turn old employees, who have served the country for many years, adrift on the streets. The result in my experience—and

I have no doubt my hon. friend's experience is the same—if you do not provide a superannuation allowance or pension, is that you keep your office full of gentlemen who become too old to be of any service, and the state loses doubly. It has to pay these men full salaries and has to pay others to do their work.

The clause was adopted.

On clause 10,

10. A secretary of the board shall be appointed by the minister.

2. The secretary shall be paid out of the fund such salary as the minister, on the recommendation of the board, determines.

3. The secretary shall be subject to the board, and shall obey all orders and directions of the board touching his duties and the conduct of his office.

Hon. Sir MACKENZIE BOWELL—I notice that this clause gives the whole power and authority to the minister, without any reference to the council, of which he forms a part. I have noticed in most of the Bills introduced by the government that they give much greater power to the minister of a department than has ever been given before. In most Acts of parliament on the statute-books there is a provision that the minister shall report these things to council, thereby the council becomes responsible as well as the minister himself. I can understand that though a minister may act individually in his own department, whatever he may do the government is responsible for it, but under this clause the cabinet is in this unfortunate position: the minister may do that which his colleagues would not confirm if the report were made to them. On one or two occasions, I have pointed out this departure from the old principle which has prevailed in the past, of compelling each minister to report any important event or action in connection with his department to the government, in order that they, as a cabinet, might become responsible. We have seen lately, in investigations which have taken place, that directors have paid very little attention to the management of the companies of which they have been directors, leaving it exclusively to the manager or some other person in connection with the company, with the result that there has been a good deal of departure from that which is correct and proper. I merely mention this to point out that a minister may, in his own opinion, do what he thinks is right for the time being, but if it were brought under the notice of the cabinet he might be checked, or the action which he proposes to take or confirm, as it would be in the case of the exercise of this power, might be rejected or modified, and, for that reason, I cannot say that I approve, from what little experience I have had, of putting too much power in the hands of any minister. Whatever he may do of an important character should be done with the concurrence of the cabinet, of which he forms a part.

Hon. Sir RICHARD CARTWRIGHT—There is a good deal to be said for the view my hon. friend has expressed, and, as I have already stated, if any questions were raised which required further consideration, I would reserve the clause for consultation of my colleagues. I shall therefore reserve clause 10, in order that I may confer further on the subject.

Hon. Mr. McSWEENEY—I would direct the attention of the hon. member from Belleville to subsection 2 of this clause, which provides that the secretary shall be appointed and paid on the recommendation of the board.

On clause 12,

12. The following classes of persons shall, upon the recommendation of the board and the approval of the Minister, but subject to this Act and to the rules and regulations of the board, upon being retired by the minister from service, be entitled for the remainder of their lives to monthly allowances as provided for in this Act:—

Class A. Those who have attained the age of seventy years after being fifteen years in the service;

Class B. Those who, after being fifteen years in the service, becomes physically or mentally incapacitated from following their usual occupation in the service;

Class C. Those who have attained the age of sixty years after being fifteen years in the service, and request to be retired from the service;

Class D. Those who are permanently disabled from following their usual occupation in the service as a result of injuries received while on duty and actually at work in the service;

Class E. Those who, previous to the coming into force of this Act, entered the service at such an advanced age as to cause them to reach the age of seventy years before fifteen years in the service; provided that on attaining the age of seventy years they have been at least ten years in the service.

Hon. Mr. ELLIS—I would ask the right hon. minister with regard to the effect of this clause upon persons who may be retired after a year or two, but who do not come within the time specified ? Will they be called upon to contribute to the fund if they are not within these specifications from class (a) to class (e) ?

Hon. Sir RICHARD CARTWRIGHT—That point is dealt with a little later, I think, in one of the clause that we shall come to subsequently. I think my hon. friend will find, if he refers to classes 19 and 20, that provision is made for such cases as he refers to.

Hon. Mr. MITCHELL—Might I ask the hon. minister, if there is any clause in this Bill to provide for employees who have served the Intercolonial Railway faithfully for a number of years during their life, and retired at 60 or 70 years of age, who have been retired for one or two years ? Is there anything provided for these men who have paid into the fund for some little time?

Hon. Sir RICHARD CARTWRIGHT—I do not think they could have paid into this fund.

Hon. Mr. MITCHELL—But into the insurance fund ?

Hon. Sir RICHARD CARTWRIGHT—They could not have paid into this fund.

The clause was adopted.

On clause 13,

13. The allowance to be paid under this Act shall be a monthly pay allowance of one and one-half per cent of the average monthly pay received by the employee for the eight years immediately preceding his retirement for each year of his service, and shall be paid monthly from the fund upon retirement for the remainder of his life.

2. In ascertaining the average monthly pay received by an employee for the said eight years, if in any month the employee did not received an amount equal to one-half of his then regular monthly salary or wage, such month and the amount received by him for such month shall not be included; and in the case of an employee in the service at the time of the coming into force of this Act whose salary or wage has been reduced for a period at the end of his service on account of inability from old age, or mental or physical infirmity, to perform the duties required of him, the average monthly pay, in the discretion of the board with the approval of the minister, shall be reckoned for the eight years immediately preceding the date at which his salary or wage was so reduced.

3. In no case shall the monthly allowance to any person be less than twenty dollars per month, or more than two-thirds of the said average monthly pay.

4. The monthly allowance shall be payable from the first day of the month next succeeding the date of retirement under this Act, and thereafter shall become due and payable on the first day of each month.

Hon. Mr. LOUGHEED—Might I direct the attention of the minister to what seems to be an inconsistency between the first portion of this clause and subclause 3 ? My hon. friend will observe that the allowance is one and one-half per cent, practically, of the salaries received during the year by the employee. In the case of an employee receiving say $1,000 a year, the superannuation allowance, on the basis of one and one-half per cent, would be $1,500.

Hon. Sir RICHARD CARTWRIGHT—It would be a little more than that.

Hon. Mr. LOUGHEED—He would only receive $15 on every $1,000. One and one-half per cent would be $15 on a thousand.

Hon. Sir RICHARD CARTWRIGHT—One and one-half per cent per month would be 18 per cent per year.

Hon. Mr. LOUGHEED—If he receives one and one-half per cent of the average monthly pay, he receives practically one and one-half per cent upon his allowance for the year. It is immaterial whether you compute it by the month or the year. I am taking the average allowance of salary of an employee for the eight years referred to in the first portion of the clause. The minimum sum that could be paid him is $20 a month, which would be substantially an advance of one and one-half per cent. Therefore the employee receiving only $400 a year would be in receipt of a superannuation allowance very much in advance of one and one-half per cent.

Hon. Sir RICHARD CARTWRIGHT—I think that was done after consultation with the men themselves. They seemed to have been willing to give a very considerable advantage to those receiving a smaller salary, over the others.

Hon. Mr. LOUGHEED—The minister will observe that $20 a month would be $240 a year, which, on a salary of say $1,000 a year, would represent a very much larger percentage; and the question arises whether,

if the fund is based upon a 1½ per cent basis, as is seemingly the case, this amount could be realized.

Hon. Sir RICHARD CARTWRIGHT—Supplemented with a grant from the government.

Hon. Mr. LOUGHEED—I apprehend this takes into consideration the grant from the government. Clause 13 takes into consideration what the entire fund is, and proceeds to make that distribution of the entire fund.

Hon. Sir RICHARD CARTWRIGHT—And there is this interest accumulating.

Hon. Mr. LOUGHEED—That is only 3 per cent.

Hon. Sir RICHARD CARTWRIGHT—Three per cent compounded over a number of years amounts to a considerable sum.

Hon. Mr. LOUGHEED—But you must take into consideration that this fund will be drawn upon from time to time, so that even with compound interest the amount will not be very substantial. But if those two clauses are taken into consideration, the inconsistency between the two, I think, will be at once observed.

Hon. Sir RICHARD CARTWRIGHT—I think my hon. friend is right in saying that the amount has to be supplemented. The question would rather be whether the amount that the government grants in aid is sufficient to warrant the statement that they will be able to pay these sums. That is an actuarial calculation, and it would depend largely upon the salaries and the number of employees.

Hon. Mr. LOUGHEED—Then wherein is the wisdom, or wherein is the service, of placing this on a 1½ per cent basis? It seems to me it is also open to this comment, that the employee, no matter what salary he is receiving, should know what his superannuation is to be. If it be allowed to remain in this way, that the minimum allowance is simply mentioned, and the employee is receiving $240 a year, then it is idle to fix it upon a 1½ per cent basis, because one can scarcely conceive a case where the limit of 1½ per cent would satisfy the superannuation allowance. It is 1½ per cent per month on that monthly allowance, so that it is immaterial whether you take it by the month or the year.

Hon. Mr. POWER—I trust the minister will allow the clause to stand to consider the question raised by the hon. leader of the opposition. I do not understand the allowance of 1½ per cent. The monthly allowance is to be 1½ per cent of the average monthly pay, and the allowance for the year is in the same proportion. Supposing an employee is receiving $500 a year, 1½ per cent of that is only $67.50, and evidently it could not be the intention——

Hon. Mr. LOUGHEED—No; $75.

Hon. Mr. POWER—No; not as much as that. I think there must be some error in the clause. Subclause 3 says: 'In no case shall the monthly allowance to any person be less than $20.' This Bill does not show how you are going to get up, from the ridiculously small amount of 1½ per cent on $30, to the $20. The minister will see that it is desirable to let this clause stand.

Hon. Mr. McSWEENEY—It is quite easy to understand. That one and one-half per cent is given by every employee, and this $20 a month is the retiring allowance. There may be one out of 500 retiring, but every employee contributes one and one-half per cent of his wages. I think it is plain enough.

Hon. Mr. POWER—It is not plain enough, because there are two or three members of this House of ordinary intelligence who do not see it. I understand this word 'allowance' at the beginning of the thirteenth clause to mean the amount to be paid to the employee. Why is the same word 'allowance' used in subclause 2? It says 'in no case shall the monthly allowance to any person be less than $20.'

Hon. Mr. LOUGHEED—Section 5 provides what the employee shall pay into the fund, and section 13 provides what shall be paid out to him.

Hon. Sir RICHARD CARTWRIGHT—In all these cases there are a considerable number of men who die in harness in the

service, and there are also a considerable number of men who retire from the service from time to time. All insurance companies I know anything about find considerable profits accruing to the survivors, so to speak, from those two causes, and something of the same kind has been allowed for in the calculations on which this Act is based.

Hon. Mr. LOUGHEED—But the minister will appreciate, I should say, not only the value but the necessity of the employee knowing what his superannuation allowance shall be, whereas if we are to rely upon clause 13 for the purpose of ascertaining what that amount is to be, it will be utterly impossible for him to make a calculation as to what his allowance would be in the event of his retiring. There should be no uncertainty about it. The employee is going into this fund with a view of making preparation for his advanced years, and it would be a lamentable thing if he were to discover that the allowance would not reach by 50 per cent what he was counting upon.

Hon. Mr. POWER—Really, unless the allowance in the first subsection of section 13 is increased to at least 15 per cent, I do not see how you are going to get any respectable retiring allowance.

Hon. Sir RICHARD CARTWRIGHT—The government have to contribute in the first place, and I think the question raised by my hon. friend the leader of the opposition is met by the statement that the average monthly pay shall be reckoned for the eight years immediately preceding the date at which his salary was fixed.

Hon. Mr. LOUGHEED—That is simply to arrive at what the average monthly pay has been, so it is immaterial whether you take it by the year or month.

Hon. Sir RICHARD CARTWRIGHT—Don't you see that the statement is made that the allowance shall be a monthly allowance of one and one-half per cent of the average monthly pay for the last eight years, but that it shall not in any case be less than $240 a year.

Hon. Mr. LOUGHEED—My right hon. friend will observe that an employee receiving $500 a year and paying into the superannuation fund upon that basis would receive as large a superannuation allowance at the time of his retirement as an employee who had been receiving $1,250 or $1,500 a year and paying upon that basis.

Hon. Sir RICHARD CARTWRIGHT—He could not receive a larger superannuation.

Hon. Mr. LOUGHEED—Well, proportionately.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will see he could not do that, inasmuch as the minimum is fixed at $240.

Hon. Mr. LOUGHEED—I can conceive of no case where only one and one-half per cent would be the amount fixed. If $240 a year or $20 a month is to be the minimum then it is quite manifest that it is idle to use the factor one and one-half per cent, because an employee to receive $240 a year on the basis of one and one-half per cent would have to receive a salary of something like $1,800 a year; therefore the employee who had been receiving $1,800 a year and paying in upon that basis to the fund would really not enjoy any larger superannuation allowance than the employee who had been paying in on the $500 basis. That is manifestly inequitable.

Hon. Sir RICHARD CARTWRIGHT—It is quite true that the men having smaller salaries would, under such a clause, derive considerable benefit, though not to the extent that my hon. friend supposes. I have no objection to holding it over if the hon. gentleman wishes. But he will observe in the same sentence that not more than two-thirds of the average monthly salary must be paid to any one.

Hon. Mr. LOUGHEED—An employee receiving $1,600, on a basis of one and one-half per cent superannuation allowance, might be entitled to $240 a year; therefore my hon. friend will see that the employee receiving $1,600 a year, and paying upon that basis during the whole term of his employment, would not receive more at the end of that year——

Hon. Sir RICHARD CARTWRIGHT—Let the clause stand.

Hon. Sir MACKENZIE BOWELL—Before we pass from that clause, it seems to me that the basis upon which it is founded is simply this : that on the retirement of any of the employees of the Intercolonial Railway, the superannuation allowance shall be based upon one and one-half per cent of the average monthly pay received by the employee for the eight years immediately preceding the retirement. Now, if that principle were applied to an ordinary employee of the road, receiving $200, $300 or $400 a year, he would scarcely get enough to keep him in bread. The third clause is a proviso to this effect ; that in no case, no matter what wages a man may have been receiving at the time of his retirement shall his allowance be less than $20 per month. It is just what the hon. leader of the opposition says, that if a man was getting $400 a year, or a dollar a day, he would pay more in proportion to his salary than the man who was in receipt of a larger salary. But the object of the government, I take it, is that on the retirement of an old employee of the government, who was only a labourer, getting a dollar, a dollar and a quarter or a dollar and a half a day, he shall receive enough to keep him alive; therefore they give him $20 a month, and no smaller allowance shall be made. That seems to me to be the equitable basis upon which this clause is framed.

Hon. Sir RICHARD CARTWRIGHT—I think the hon. gentleman is quite right as to the object of the minimum allowance. The point taken by the hon. leader of the opposition is a little different from that. He was under the impression, if I followed him correctly, that this clause would limit largely the amount that could be paid to the men receiving a better salary.

Hon. Mr. LOUGHEED—Yes, he would not be entitled to more than one and one-half per cent.

Hon. Sir RICHARD CARTWRIGHT—That certainly was not the intention of the minister. He proposed to give a liberal retiring allowance in all cases, and his intention is manifest, from adding the words 'Not more than two-thirds of the said monthly pay. In our Superannuation Act, we do not allow any man to receive more than about two-thirds ; thirty-five fiftieths, is the maximum ; and this provision is, to a certain extent, based on the superannuation service.

Hon. Mr. LOUGHEED—One of the benefits of that fund is that the employee knows exactly what he is to receive on retiring.

Hon. Mr. McMULLEN—The superannuation fund did not fix the minimum sum to be paid to any person retiring under the Act. In the inception of the superannuation fund, the sum deducted from the officers was, I think, for $600 and under, 2½ per cent, and over that amount it was 5 per cent. Afterwards that was amended by making the 2½ per cent, 1¼ and the 5 per cent 2½. Now, the fund, by the application of this Act, ran very seriously behind under that deduction from the salaries of civil service officers, and I contend that the amount here deducted, if you are going to aim at administering the Act so as relieve the country of a very heavy amount of annual payment, should be largely increased. One and one-half per cent is not at all sufficient to form a fund for a retiring servant. Supposing he has been receiving $500 a year, 1½ per cent of that is $7.50. That would be deducted from his salary. He becomes eligible for superannuation when he has been in the service twenty years. He will have paid $150 into the fund, and he commences by receiving $240. It cannot be less than that. I think that is a serious objection. A man serving twenty years, having 1½ per cent deducted from his salary each year, that amount forms a fund of about $150, without compound interest. At the end of that time he retires and he receives $240 a year. Virtually he draws, in about eight months, the sum he has put in, and he becomes a burden on that fund for the remainder of his life. I think it is an unwise basis on which to create a superannuation. The man who receives $2,000 a year pays $30 a year into the fund. He pays 1½ per cent annually, just the same as the other man. If he continues for twenty years, he will have paid in $600, but after superannuation he is permitted to draw two-thirds of his salary for the remainder of his life. Two-thirds of $2,000 would be close to $1,400 a year. He has not then contributed into the fund a sum sufficient to pay the first six months of his retiring

allowance—not quite six months, unless you compound it. I think this is going to be a serious matter, if you are going to allow a minister and a board to superannuate a grist of officers from the line every year who have paid in so small an amount to the fund, and permit them to draw a comfortable allowance, in the one case the minimum being not less than $240, and in the other up to two-thirds of his allowance. In the working out of the measure, I think it will become burdensome. I do not consider that an appropriation by the government of $50,000 a year will provide a sufficient sum. Certainly $50,000 will not be enough. I think if you are going to equalize it between the employees and take the balance from the Dominion treasury, share and share alike, admitting the Dominion shall pay $50,000, the effect will be that you will have to collect out of those who have not retired something in the neighbourhood of $50,000. You will never collect that amount on the principle of this Bill. You will have to more than double the rate, if you wish to get the full amount. I think these are points that deserve the consideration of the government. I do not think the deductions proposed in the Bill will permit the government to superannuate a large number of employees every year.

Hon. Mr. LOUGHEED—Would my hon. friend keep in view the fact of the payment under clause 5, in going into the matter with the department, to illustrate the employee who had been receiving during his whole term of office $1,600 a year would really contribute to the fund $240 a year?

Hon. Mr. McMULLEN—How many years?

Hon. Mr. LOUGHEED—During the whole time. The clause says 'every employee shall contribute to the fund monthly one and one-half per cent of his regular monthly salary and wages.

Hon. Mr. POWER—He only contributes $24.

Hon. Mr. LOUGHEED—I was basing it on the other proposition. However, there is that disparity to which I wish to direct attention between what the two men would contribute.

Hon. Sir RICHARD CARTWRIGHT—There would not be much disparity between what they contributed in proportion to their salary. The disparity would be the other way.

Hon. Mr. McMULLEN—I cannot see that there is any disparity at all. My hon. friend surely does not understand—possibly he understands better than I do—that there is one and a half per cent deducted from the salary of every employee whether his salary is $2,000 or $500. One and a half per cent of $2,000 would be $30, and one-and a half per cent of $500 would be $7.50 a year. That is the deduction that is made. You cannot increase or decrease that. It makes no difference whether a man is getting $500 a year or $50.

The clause was adopted.

On clause 15,

15. Every person entering the service after the coming into force of this Act shall, although he contributes to the fund as provided by this Act, before being entitled to participate in any of the benefits to be derived therefrom, work at least six months in the service on probation, and at the end of such probationary period pass a medical examination satisfactory to the board and obtain from the general manager a certificate in writing that he considers him competent to perform the duties required of him. Upon any such person failing to pass such medical examination or to obtain such certificate he shall no longer be a contributor to the fund, and shall be refunded the whole amount of his contributions to the fund, without interest.

Hon. Mr. ROBERTSON—I desire to move a slight amendment to this clause by adding after the words 'of him' in the thirtieth line the following:

Such medical examination will be passed before a physician of the company, a graduate of a university of Canada or of Great Britain or of Ireland, and having the right to practise in Canada.

Hon. Mr. POWER—There is no thirtieth line in the clause.

Hon. Sir RICHARD CARTWRIGHT—I would suggest to my hon. friend that if he will give notice of that amendment we can consider it when we come to the third reading. I do not know that I would particularly object to the amendment, but I should like to confer with the minister who originated this Bill before making an alteration in it.

Hon. Mr. ROBERTSON—I will give notice of this amendment for the third reading.

The clause was adopted.

On clause 18,

18. This Act shall not apply to any employee who is subject to the provisions of the Civil Service Superannuation Act, nor to any person entering the service after the coming into force of this Act, and after having attained the age of thirty-five years, if inexperienced in railway work, or of forty-five years, if experienced in railway work or professionally employed; and the question as to whether such person at the time of his entry is a person experienced or not in railway work, or professionally employed, shall be for the determination of the minister on the report of the board.

Hon. Mr. POWER—I would ask the right hon. minister to let this clause stand, on this ground: This clause says 'this Act shall not apply to any employee who is subject to the provisions of the Civil Service Superannuation Act.' As I understand it, there are men at Moncton, and I think at other places, in the employ of the Intercolonial Railway, who have been there for twenty, twenty-five and in some cases thirty years, and these employees who have been paying into the superannuation fund during all these years, though they will not fare any worse than they do now, will not fare as well as the employees who have been outside the civil service and have not contributed anything. An employee who has paid for a number of years into the Civil Service fund should be allowed the option of coming in under this Bill when it becomes law. At any rate I should like to argue that point, and I hope the right hon. minister will permit the clause to stand.

Hon. Sir RICHARD CARTWRIGHT—I do not object to the clause standing, but I do not say that I would agree with the hon. gentleman.

Hon. Mr. POWER—I did not expect that.

The clause was allowed to stand.

Hon. Sir MACKENZIE BOWELL—Although we have passed clause 17, I should like to call attention to the power given the minister in that clause. It provides as follows:

17. The following employees, notwithstanding anything in this Act, shall not participate in any of the benefits of the fund under this Act, nor be entitled to a refund of any portion of the contributions made by them to the fund, that is to say:

(a) those, except as in this Act provided, who voluntarily retire from the service;

(b) those who are discharged from the service on account of wilful default, misconduct, negligence in the performance of their duties, drunkenness, fraud or dishonesty, and are not reinstated.

I cannot conceive it possible that the government should reinstate an employee who had been discharged for fraud or dishonesty, and I am very much afraid that the tenderness of heart of some ministers might induce them to reinstate persons who ought not to be in the service, particularly if they have large political influence. The right Hon. Minister of Trade and Customs knows very well the pressure that is brought upon a minister when a man who has been discharged for any of these three crimes has a family depending upon him, to have him reinstated. Pressure is brought by the family and friends, political and otherwise, and I am very much inclined to think that, unless the minister had a great deal of stamina, he would be apt, under the latitude given in this Bill, to yield to those influences for the purpose of giving the discharged employee a retiring allowance when he was not entitled to it, simply in order to enable him to support his family.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman does not object to the first half of the clause.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Sir RICHARD CARTWRIGHT—But to their being reinstated where they had been guilty of drunkenness, fraud or dishonesty?

Hon. Sir MACKENZIE BOWELL—A man who had been in the habit of drinking too much might really reform; but for fraud and dishonesty, if a man has been dismissed, the minister should not have power, under any circumstances to reinstate him. We know of many men who have been dissipated a great part of their lives, and who have become sober and industrious and good members of society later in life.

Hon. Mr. McMULLEN—I agree largely with the remarks of the hon. gentleman from Belleville. The minister in charge of

the department will relieve himself of a great deal of trouble and annoyance if he will only strike out the last four words of this clause. If you leave them in, a man who may be discharged for any of the offences named will get his friends to exert every possible influence to have him reinstated in the service, and the minister will be pestered continually for his reinstatement. In order to avoid the trouble that inevitably will follow from leaving this gate open, the latter part of this clause should be expunged. Let these employees understand that if they are to look forward to a superannuation allowance they must avoid getting drunk or committing offences of any kind that would lead to their dismissal, and that once dismissed for cause the minister will have no power to reinstate them. If you start that way you will have a good force; if not you will have any number of applicants for reinstatement who will bring every influence, when an election is near, to bear on the minister to have them reinstated, on pain of losing every vote they can influence.

Hon. Sir MACKENZIE BOWELL—I speak from an experience of 17 years.

Hon. Mr. CLORAN—I entirely endorse the views expressed by the hon. gentlemen from Belleville and Wellington, only I would not make an exception of drunkenness. Fraud and dishonesty will not kill, but drunkeness may cause loss of life. I approve of the suggestion that the last four words of this clause should be stricken from the Bill.

Hon. Sir RICHARD CARTWRIGHT—I will consider the matter and be prepared to give an answer when we resume the discussion on this point in the committee again.

Subclause (b) of clause 17 was allowed to stand.

Hon. Mr. SULLIVAN, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

## PATENTS OF THE NICHOLS COPPER COMPANY BILL.

### SECOND READING.

Hon. Mr. KERR (in the absence of Hon. Mr. Watson) moved the second reading of Bill (U) An Act to revive certain patents of the Nichols Copper Company.

Hon. Sir MACKENZIE BOWELL—We ought to have some reasons given why we should pass this Bill. We all know that there is a good deal of laxity shown by parties who have patents. They allow their patents to rest for some time, and the moment they find some one else about to manufacture the patented article, they come to parliament for special legislation to restore whatever rights they may have possessed. Unless there is good reason given for extending the time within which the patentee may commence to manufacture the patented article, the legislation should not be granted. The law as it stands is almost a farce.

Hon. Mr. KERR—I quite agree that in many of those cases explanations should be given at the second reading. The Bill is not in my charge, and I know nothing about it, except that in the absence of the hon. senator from Portage La Prairie, an explanation was given to me of its provisions to-day. The explanation was given in the presence of the hon. senator from Toronto (Mr. Jones) by Mr. Osler. Our law with reference to patents differs from that of most countries in this respect, that in Canada patents are liable to forfeiture for non-manufacture, within a certain period of time. That is a condition which is not required in most countries. In this particular case, there is a question whether or not the law in that respect had been complied with, and counsel, who had been consulted in the matter, as I was instructed by Mr. Osler a few moments before the Senate met this afternoon, advised that what has been done has been a sufficient manufacture to comply with the law, and that if a case arose, the evidence was sufficient, in his judgment, to satisfy a court that there had been a bona fide manufacture of the article within the Dominion.

Hon. Sir MACKENZIE BOWELL—By this company?

Hon. Mr. KERR—By this patentee; and there had been a considerable expenditure in doing that work, but that the latter being so open to question as to whether the manufacture would be deemed sufficient to maintain the patents, he had advised that before any larger expenditure was incurred

in the matter they should get the question determined in the only place where it could be determined, here in parliament, by this Bill. There was no conflict of authority apparently, and he was not aware of any conflicting interest existing. He did not know of any other person who had engaged in the manufacture of this article, or whose business would at present be interfered with by this legislation.

Hon. Mr. LOUGHEED—What article is patented?

Hon. Mr. KERR—It is a process for roasting ores for the extraction of sulphur. The explanation was very short and given in the presence of the hon. senator from Toronto, because he wanted to know if there was ground for opposing the application. In the absence of the hon. senator from Portage la Prairie, I was asked to move the second reading, because further delay might endanger the passing of the Bill, and they are anxious to bring it before the committee, where evidence could be given to establish these different points. I do not know that I need to enlarge, further than to say that it is a bona fide application made in support of patents, where the party believed he had complied with the requirements as to manufacture, and that he could establish that there had been, at all events, a reasonable effort made to do that, because we know that for years past there has been no demand for that process. The committee would be advised of the facts and know whether a sufficient case had been made out for reporting favourably on the Bill. It is not convenient to go into details here as to what the manufactures were, or to explain the process. In view of this conversation to which I have referred, and of the statements that were made by the hon. gentleman who had asked for an adjournment until to-day, in order that he might make inquiries, I did not deem it necessary to make this statement, because I believed my hon. friend from Toronto could make the statement for both sides; but as the hon. senator from Belleville has asked for an explanation, I have given it as I understand it. The applicant appears to have made out a prima facie case to go to the committee, and if he establishes it before the committee, I think he would be entitled to his Bill on the lines that we have been recognizing up to the present time. I did not anticipate that it would be necessary for me to make this statement, because I knew that the hon. gentleman from Toronto was in a position to state the case fully so that both sides of it could be understood.

Hon. Sir MACKENZIE BOWELL—It is evident there must be doubts in the mind of the eminent lawyer to whom the hon. gentleman referred, and we all know that when an application of this kind is made and lawyers give their opinion, they give an opinion as nearly as they can in accordance with the wishes of those who employ them.

Hon. Mr. KERR—I do not think that.

Hon. Sir MACKENZIE BOWELL—They may not give the opinion, but one thing is very certain, they will work in the interest of those who employ them from the moment they accept a retainer. The fact that the firm to which the hon. gentleman has referred has recommended an application to parliament, is the best evidence to a layman that the terms of the patent have not been complied with. Otherwise, they would scarcely put him to this trouble, unless they think that the expense of obtaining an Act of parliament to extend the right to manufacture is less than it would be to go into a law court and fight it out, even if he did succeed. There was one remark made by my hon. friend which occurred to me while I was speaking; this is an invention or an improvement in ore roasting furnaces. The fact that the mining industry of the country in the past has not been sufficient to justify the investment of money necessary to establish these furnaces, may have caused delay in manufacturing, but now that new developments are taking place they may wish to tie up for a long time in the future their process and prevent anybody else from utilizing it.

Hon. Mr. JONES—Every one will admit that this is practically retroactive legislation. If there is any legislation coming before this House that we should be careful in passing, it is legislation of that nature. I had hoped that a full explanation of this

Bill would have been given to the House, because it seems to me where extraordinary legislation of this nature is asked for, the House should be put in possesion of very excellent reasons why it should give it favourable consideration before permitting the Bill to go to committee. There are four patents which this Bill seeks to revive. The first of these was taken out eleven years ago. If there is any question about the validity of that patent, because of non-manufacture, then that question must have arisen nine years since. It is a good while to go back to consider whether we should revive that patent or not. When it was taken out, payment was made upon it for a period of six years. Whether further payments have been made or not I do not know, but, from the wording of the Bill as introduced, I should infer probably that no further payments had been made. It will be evident to every one that the patents which refer to the roasting of ores and the erection of furnaces for that purpose, could not have been used to any extent in this country until recently. Now, however, the situation is materially different. We have, at least in one case, gone to a very considerable expenditure, at least one million dollars, in the preparation of furnaces at Port Arthur for the treatment of an ore that it is necessary to put through a process somewhat similar to the process apparently provided for in this Bill, to enable us to use the ore at all. Whether that or other industries which are now springing into life involving plans for the roasting and handling of ores, have influenced the patentee in this case to apply for the legalization of his patents which lapsed so long ago, I do not know; but it would appear that that was the condition. It would appear also from the statement made by the hon. senator from Toronto, that one of the reasons why the Bill comes to the House is because there is a doubt in the mind of the owner of the patents, or of his solicitor, whether he is legally entitled to enforce them or not. It would appeal to me, if that is the case, they ought to go to the courts. The matter ought not to come to this House to be considered, because a committee of this House is not likely to be in a position to judge whether the claims of the applicant, of having manufactured these patented articles during the earlier years of the patents, can be made good, and that what he has done during the earlier years of the patents have been such as to maintain his position as the bona fide owner and controller of the process which he now desires to have put beyond question by a special Act of parliament. It is true that our laws with regard to manufacturing differ from those of other countries, and doubtless in the earlier years, when this provision was enacted, it was thought necessary to meet the conditions of the country. We have alongside of us a great manufacturing country where many patents are taken out, and which are patented in Canada also, just as this, apparently, was at that time, by people in Boston and New York, who were interested in the treating of ores and where experiments had been going on for some time, and doubtless they were being used in that country, but not in Canada. It was a simple matter for them to come into Canada and take out this patent. That would not cost them $100. Unless they could show they had in Canada made considerable experiments and spent considerable money bona fide, there would be no reason why we should bring into life and validate these various patents. I find that the first of the patents is eleven years old, the second eight years, the third seven years, and the fourth four years old. One of the four, the third, refers to an entirely different matter from the articles patented in the other three. The first, second and fourth refer directly and indirectly to furnaces and the roasting and treatment of ores; and the other refers to a pneumatic harness saddle, a special kind of harness of pneumatic nature for use on horses. I do not know how it comes in here, but it does not appear to have much to do with the roasting of ores, unless it is a patent harness used in drawing ore to the furnaces. Doubtless that is a mistake, and may be explained in the committee. It only shows how easy it is to get patents validated by parliament without that thoughtful consideration that ought to be given to such legislation. I do not propose to object to the second reading of this Bill, because, possibly, it is desirable that it should go to the committee, where those interested will have an opportunity to give explanations; but I do hope that when it gets to the committee, every care will be taken to protect the many interests that are growing up in

Canada to-day which may be affected by this particular measure. I am impressed to say that, because one or two of the clauses of the Bill appear to me to indicate that they are conditions out of the ordinary, and that this House is asked to do rather more than put the patentee where he would have been if the question of the patents for these articles had not been invalidated. Surely we should not go beyond that. Possibly it is not the intention, but that is the way it appeals to me. The applicant asks in clauses 1 and 2 that:

1. Notwithstanding anything in the Patent Act as amended by chapter 46 of the statutes of 1903, or in the patents mentioned in the preamble, the said patents are declared not to have become null and void and not to have ceased and determined under paragraph (a) of section 4 of chapter 46 of the statutes of 1903; but any of the said patents shall become null and void and shall cease and determine, if within six months after the passing of this Act the manufacture of the inventions patented under that patent is not commenced and after such commencement is not continuously carried on in Canada in such a manner that any person desiring to use it may obtain it or cause it to be made for him at a reasonable price at some manufactory or establishment for making or constructing it in Canada.

2. Notwithstanding anything in the Patent Act as amended by chapter 46 of the statutes of 1903, or in this Act, or in the patents mentioned in the preamble of this Act, the Commissioner of Patents may, within six months after the passing of this Act, receive petitions for the making of, and, if in his discretion he thinks proper, may grant orders under section 7 of the said chapter 46, that such patents, or any of them, instead of being subject to the conditions set forth in paragraph (a) of section 4 of the said chapter 46, or in this Act, shall be subject to the conditions set forth in paragraphs (a), (b), (c) and (d) of the said section 7.

And in the last clause provision is very properly made that:

3. If, in the period between the expiry of two years from the date of each of the said patents and the twelfth day of January, 1907, any person, other than any licensee, has commenced to manufacture, use and sell in Canada any of the patented inventions covered by the said patents respectively, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed; provided that this exemption shall not extend to any person who, without the consent of the holder of such patent, has commenced the construction and manufacture of the said invention before the expiry of the patent.

That is rather an extraordinary clause to be inserted in this Bill. It seems to me that if conditions have arisen making it necessary for the patentee to hold in his own right these patents which he seeks legislation to vest in him beyond question, that right is a matter which should come before the courts to decide, just as the courts would decide with reference to rights under any other patent if this House had not legalized it by an Act of Parliament, as they suggest that we should do here. These are questions that will, no doubt, be carefully considered by the committee, and the House will be given the fullest possible information before we are asked to pass the third reading. It will be understood, I hope, that in passing the second reading the House will in no sense be committed to the principle that this Bill is one which we ought to pass.

Hon. Mr. SULLIVAN—The hon. gentleman, holding the decided views which he has, and having expressed them on every occasion on which this question arose, should attend the committee himself and avoid any difficulty afterwards. If he were to attend that committee he could place these views before them. The committee know nothing about these points.

Hon. Mr. KERR—I cannot follow everything which has been said by the hon. senator from Belleville or the hon. gentleman from Toronto, who has just spoken, as to the necessity and propriety of these matters being the subject of inquiry. The only way in which they can be investigated is to refer them to the committee where evidence can be offered to establish the facts. It is not for me to discuss the measure in advance. I was only asked to take charge of the Bill in the absence of the hon. senator in whose name it appears, and only partial instructions on the subject were given me; but the facts will be established before the Bill proceeds further.

The motion was agreed to.

The Senate adjourned until Three p.m. tomorrow.

## THE SENATE.

OTTAWA, Thursday, February 28, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## ROYAL VICTORIA LIFE INSURANCE COMPANY BILL.

REPORTED FROM COMMITTEE ON BANKING AND COMMERCE.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (37) An Act respecting the Royal Victoria Life Insurance Company.

Hon. Mr. BERNIER—I move that this Bill be read the third time to-morrow.

Hon. Mr. McHUGH—I have received letters from some of the shareholders of this company, inquiring with regard to this Bill. I only heard of the measure last night, and I sent copies of the Bill to these parties. I ask the hon. gentleman if he will postpone the third reading for Wednesday next, to enable me to get replies from these parties ?

Hon. Mr. BERNIER—I shall not be here on Wednesday next. When a Bill is passed unanimously by a committee, as this one was, there is no reason why it should be delayed.

Hon. Mr. McHUGH—In the face of that, I move, in amendment, that the Bill be read a third time on Tuesday or Wednesday next. I should like to meet the convenience of the hon. gentleman, but I should also like to have an opportunity to hear from the shareholders, who asked me to have the consideration of the Bill delayed until they could see a copy of it. I would fix some day convenient for the hon. gentleman, but it would have to be some day later than to-morrow.

Hon. Mr. BERNIER—I would like to comply with the hon. gentleman's wishes, but as I am not to be here next week, the matter would be in an awkward position. Besides that, the shareholders and everybody else have had plenty of time to look over the Bill. It has been before this House and before parliament for a very long time, and it is somewhat surprising that the shareholders should ask for the postponement of a third reading after the Bill has passed through all the other stages.

Hon. Mr. McMULLEN—I think the request of my hon. friend from Lindsay (Hon. Mr. McHugh) is a reasonable one. He stated that certain individuals have written him with regard to the Bill, and he has only been able to procure copies and send them by yesterday's mail. He cannot possibly have an answer before Monday or Tuesday, and cannot know what the views of these gentlemen are. We will promise the hon. gentleman from St. Boniface, if he has to go west, that we will see that his Bill gets a third reading on Wednesday next, unless there are some very cogent reasons why it should not receive its third reading. He need not be afraid to go away. I have pleasure in seconding the motion of the hon. gentleman.

Hon. Mr. BERNIER—I am surprised at such a request at the present time. The Bill has been before parliament for a long time, and nobody seemed to have taken any particular interest in it; but at the last moment it is requested that the third reading should be postponed. I consent on the understanding that on Wednesday next no advantage will be taken of my absence.

## THE BATTERIES BELOW QUEBEC.

INQUIRY WITHDRAWN.

The notice of motion being called :

By the Hon. Mr. LANDRY—

That he will inquire of the government—

How many guns has the government bought, up to this date, for the batteries which are to be built in the parish of Beaumont, below Quebec ?

Are these guns all of the same calibre, and what is it ?

If they are of different calibres, what are these calibres, and how many pieces are there of each of these different calibres ?

What is the range of these guns ?

What is the distance between the Beaumont batteries and—

(a) the buoy on the Ile Madame shoal ?

(b) the Bellechasse islands lighthouse ?

(c) the buoy opposite Grosse Ile quarantine station ?

How much did the guns intended for the Beaumont batteries cost ?

When did they arrive at Quebec ?

Were they unloaded directly from the ship at Quebec, or was it necessary to take them to Montreal, and then bring them back again by railway to Quebec ?

Why this roundabout way ?

Where are they at present ? At Beaumont or at Quebec ?

If at Quebec, are they still on the wharfs or have they been unloaded ?

Are they exposed to the air, or are they under shelter from its inclemencies, and what sort of building protects them against damp, rain or snow ?

Who is the officer specially responsible for their preservation in good order ?

Hon. Mr. LANDRY—I have been furnished with the particulars asked for, and as they are of a confidential nature, I wish to drop this inquiry.

The motion was dropped.

## OLD AGE PENSIONS.

Hon. Mr. McMULLEN—I observe the question of old age pensions is being discussed in other places. I desire to inquire :

1. Have the government had this matter under consideration ?
2. Whether a Bill dealing with this or any similar object has been prepared ?
3. Whether the government propose to introduce any legislation on the subject during this session ?
4. Whether, if such a Bill as above referred to, has been prepared, the government will cause it to be laid on the table for the information of the House ?

Hon. Sir RICHARD CARTWRIGHT—The matter to which my hon. friend has alluded is one of no common interest and no common importance. I have no doubt myself that within a comparatively short space of time this question of old age pensions, or a somewhat similar question, will most undoubtedly be engaging the attention of many legislatures, as indeed it has already in the mother country and in several of our sister colonies. I am free to admit that I have always regarded the case of honest, industrious men who have for many years led a life of toil, and at the end of their lives find themselves either by accident or misfortune, or some other cause of a similar kind, thrown on the charity of their neighbours or their relatives, as pre-eminently deserving the compassion and consideration of everybody, and if it were possible to confine the question of old age pensions to that particular class, I do not know that I, and I dare say that many other people would be of the same opinion, would object to introducing some such measure. But this is a subject to which I have given for a considerable space of time a good deal of attention. It is pre-eminently a question on which there are two sides. The one side is the side I have presented ; the other side, which undoubtedly deserves our most serious consideration, is this—what would be the effect of a scheme of old age pensions on the community at large? How far would it discourage thrift ? How far would it discourage self-reliance ; and, what is quite as important if such a scheme were adopted, how would it affect the working men themselves ? My own impression is that, in a great many cases, such a scheme would be found to encourage extravagance, and the result would be that the thrifty, industrious working man would find himself compelled ultimately to bear the burden of his less industrious and possibly dissolute companion. I may observe in passing, that this question of old age pensions, although it is sometimes confounded with it, has nothing, in my judgment, to do with the case of pensions awarded to civil or military servants of any government. That stands on different ground ; may be defended on wholly different grounds, and may be regarded more as part of their wages than as a direct pension. As regards old age pensions there is one exception, I admit. I can understand in the case of old and densely peopled countries, where a large proportion of the population are leading a life from hand to mouth ; where there is practically no margin, that statesmen may find themselves or think themselves compelled to adopt some such expedient, although, even there, I am strongly of opinion that the experiment is dubious, and, at the best, can only be regarded as a temporary expedient dealing with the effect and not with the cause. Fortunately for us in Canada, I think I am justified in saying, and I think the experience of my colleagues here and elsewhere will bear me out, there is very little risk of any hardworking, industrious, able bodied man not being able to make an adequate provision for his old age, if only an opportunity were given to him. I say if only an opportunity be given to him. For myself, I trust we shall never see a state of things in Canada such as I have alluded to, where a large proportion of our population would be in such a condition as I have described, though I think we might very well take precautions now, while the circumstances of our people are wonderfully good as compared with those of people in other countries with which I have any acquaintance, to prevent the chance of the occurrence of any disastrious conditions. Speaking for myself alone, and in no sense speaking in this matter for my colleagues or other parties, I doubt extremely the expediency

of having recourse to a system of old age pensions, but I do believe there is a great opportunity for the state to avail itself of the machinery at its disposal for the purpose of placing within the grasp of every industrious man in Canada the opportunity, at an easy rate, and at very small cost to the state, of providing a reasonable annuity for his support at an advanced period of life. I say more ; not only do I believe that this can be done practically without cost, or at an infinitesimal cost to the state—infinitesimal that is to say, in proportion to the benefits to be bestowed—but I believe that some such scheme would attain an end of very great national importance, and meet a great want which is now felt, and which will be more and more felt from time to time as we grow in wealth and importance, and as there are larger numbers of our people engaged in what may be called daily wage earning occupations. I think it is in the power of the state to help every man to provide for his old age at a very small sacrifice. It is quite true that any scheme of that kind, if it is to have a large and general application, must provide of necessity three things, otherwise no great measure of success can be hoped for from it ; it must, in my judgment, first of all be an absolutely safe scheme ; it must be a scheme which will inspire confidence in the class whom we particularly desire to reach ; it must be a scheme in which there is, humanly speaking, no possibility of the man who invests his money by any chance being deprived of the fruits of his investments. In the second place, there would be required in such a scheme, particularly if applied to the class of daily wage-earners, what I call an absolute freedom from forfeiture. Anybody who is acquainted with the habits of our working classes and the position in which they stand, must know that there is no scheme which would be of practical use to them if they are compelled, on pain of forfeiture, to make a monthly, weekly, quarterly, or any other kind of payment from year to year. There are periods at which they cannot make any payments, and, in such a scheme, it would be necessary to provide that if, from any cause, payments were intermitted at any time, the parties who were taking advantage of the state provision should be allowed, under proper conditions, and on payment of a reasonably moderate interest, to resume when times were better, the payments to which I have alluded. But, in any case, it would be also necessary that no creditor could under any circumstances lay his clutches on an old age annuity ; that no dependent or child could be able to cajole the right to use the annuity from its possessor, and in the third place, it would be necessary that there should be no power of anticipation ; that the party who gets it must be content to take it on that condition, and also, that in case he died before the period at which only the annuity would be proposed to be given, that his heirs would receive the money he had paid with reasonable interest thereon. There is no possibility of any corporation affording all these things to parties who desire to obtain annuities. As a matter of fact, I have carefully examined the records of the insurance companies as contained in the reports of our insurance officers, and I find that there are practically no annuities now being taken out in Canada; nor do I believe that under existing conditions there ever would be, particularly by wage-earners, and for this obvious reason ; no wage-earner of the ordinary kind desiring to make such an investment at an early age, could feel absolute certainty that an ordinary corporation, no matter how well managed it might be, no matter how solvent it might be at that particular moment, would be equally solvent and equally well managed twenty, thirty or forty years thereafter. As I said, these things can only be secured by the state. The working man can trust the state, and nobody else, and as a matter of fact I do not believe he would trust anybody else.

Hon. Mr. LANDRY—I would ask the hon. gentleman, are we to understand a discussion is going to take place on this question? This is quite irregular.

Hon. Sir RICHARD CARTWRIGHT—It is somewhat irregular, but my hon. friend has asked a question which I can only answer in this irregular way. I am aware it is not precisely in order, but I suppose I could place myself in order by moving

the adjournment of the House. Does the hon. gentleman desire me to do that ?

Hon. Mr. LANDRY—No, we will move the adjournment of the discussion until to-morrow.

Hon. Sir RICHARD CARTWRIGHT—I may say to the Senate that this is a subject on which I think we can, with the time at our disposal, very well afford to give a few minutes, even if we do slightly transgress the strict etiquette of the situation. This is not a party measure in any shape or form.

Hon. Mr. POIRIER—I wish the same courtesy had been extended to me in regard to the question I brought up last week. Inasmuch as we have so much time to spare, the question I introduced might have been discussed instead of being shelved sine die.

Hon. Sir RICHARD CARTWRIGHT—I think this is perhaps a little more germane to the interests of the people of Canada than the acquisition of the north pole. But that is a matter of opinion.

Hon. Mr. POIRIER—It might be a matter of opinion.

Hon. Mr. LANDRY—It is not so refreshing.

Hon. Sir RICHARD CARTWRIGHT—I place myself at the disposal of the House. If hon. gentlemen do not desire me to proceed, I can find another opportunity for concluding my remarks.

Some hon. GENTLEMEN—Go on.

Hon. Sir RICHARD CARTWRIGHT—The question is, what results can reasonably be promised, and at what cost can they be obtained ? As I say, I have bestowed some consideration on this matter. I am not speaking at random ; I am not speaking without calculation and not without having my calculations carefully revised by some of the best actuaries in Canada. If the state will provide the machinery—and it can do that very cheaply indeed—if the state is willing to allow from three and one-half to three and three-quarters per cent—and I am making this statement after careful calculation,—taking the present average of wages which prevails in Canada, allowing for the average duration of life, in the classes with whom we will chiefly deal, I say these results can be obtained. If any man chooses, when he comes of age, to put aside the wage of one or one and one-half hours per week, or one half day per month, I say that the state could afford when that man attained to the age of 60, to guarantee him an annuity of $120 a year, or if he would accept a deferred annuity commencing at 65, of $200 a year, all payments ceasing at the age of 60. Of course I need not point out to hon. gentlemen here that larger payment would produce larger results, and that in the other case, of commencing at a later age, the payments would be proportionately larger than the one I have taken for the moment, as what may be called the unit of calculation. Some hon. gentlemen may think that these are rather better terms than can be granted without a considerable drain on the public chest. These are not very much better terms than would be given by an ordinary insurance company, but the reason why I think, and why some parties whom I have consulted think, that better terms can be given, are chiefly these three. First of all, the state wants to make no profit out of a transaction of this kind ; whereas any ordinary corporation, in the natural course of things, would require to make a reasonable profit. In the next place, there would be a certain gain by death or by parties dropping out, although, as I have said, in those cases re-payment would be made on certain terms, and I think it is also pretty well ascertained, that, in the case of a great many wage-earners, the duration of life is considerable shorter than it is in the case of persons engaged in other occupations. That, however, is a matter of no very immediate importance, because the utmost difference between what I have suggested now, and what might be required, would probably be a bare quarter of one per cent, if that much. As to minor details in this matter, undoubtedly it would be highly desirable that the mode of payment should be made easy, so that the parties, if they like, could pay up in a lump sum or in short instalments over five, ten, twenty years, or in any way most convenient to them. If some such scheme were ever adopted by the government of Canada, I would suggest, as is the case

in England, in the matter of savings banks or the like, that funds should be ear-marked, placed in the hands of commissioners and held specially devoted to these purposes, not that I think it would add materially to the security, but because in dealing with the classes we wish to reach, some such step as that would be acceptable; also it would be necessary to limit the annuity to a certain maximum. Now by creating a very small bureau, and by utilizing the existing machinery which we possess, this can be done for an extremely small cost, and the public would be repaid ten fold, perhaps a hundred fold over if the scheme proved a success. I admit that this is designed chiefly for the benefit of daily wage-earners; still it would necessarily be available for all citizens, farmers, tradesmen, professional men, or for their wives and children, and in short for all those who chose to avail themselves of it, up to the maximum limit that I have explained. If this were properly explained and properly understood, I am of opinon that it might be widely used. Of course this is a project which would need the aid of the press, would need the aid of the pulpit, and, perhaps, would need the aid of large employers of labour and all who are interested in promoting the welfare of the wage-earner. The Bill to which my hon. friend refers, and which has been mentioned in the lower House as well as in this place, was drafted to empower the government to grant annuities only—and this I would call the attention of the House to—does not interfere in any shape or way with the present system of insurance. It does return a certain portion of the money paid, and certain interest on it, but it does not interfere with insurance. Whatever may be thought of the scheme of state insurance, it has no place or connection with this, good, bad or indifferent. My own impression is that those who would use this scheme would not use the other, and vice versa. As to the field, it may interest the hon. gentleman to know what we have at this moment, according to the last 'Gazette' return placed in my hand, some $61,000,000, and a little over in the government savings banks, or in the post office savings bank, bearing an interest of 3 per cent, and that we have something like 200,000 depositors, as I am informed. A comparatively moderate amount of this would go very far to place such a scheme, if they chose to invest their money in that way, instead of holding it in the savings bank at 3 per cent, and this alone would go a long way to make it a success. As to the political side of it, every hon. gentleman present can see that this scheme, if carried out, would interest thousands, it may be hundreds of thousands of people in the stability of the government. It would have the advantage that it would present the government to these men's mind in a somewhat better light than that of a mere tax-collector. Ultimately, too, it might cause the bulk or a very large portion of our national debt to be held in Canada which would be incidentally an advantage. These, of course, are mere minor, incidental benefits. The chief advantage is what I have stated, that it would enable all wage-earners, by a moderate sacrifice, to make an effectual provision for their old age, and would guard them against the swindling projects by which many of them have been deluded into making sacrifices they could ill afford, only to wake up in their old age to find themselves destitute. I regret the rules of this House prevent me from introducing a measure of this kind here. It has to be introduced in the lower House. I can, as my hon. friend requested, lay the draft Bill on the table of the House if the House so desires, but it must be distinctly understood that it is only as a draft Bill; that the government are not committed to it, and that it is merely laid on the table for the purpose of being useful in the discussion, and is subject, even if adopted, to alteration and amendment in any shape. If my hon. friend and the House desire, there can be no particular objection to placing the draft on the table of the House for those purposes, and I have no objection to do so.

Hon. Mr. ROSS (Middlesex)—If I may be permitted to shelter myself under the wing of the right hon. Minister of Trade and Commerce, I should like to offer an observation or two on the subject he has brought before the House with so much clearness. I am in favour of the general principle of any measure either here or in the lower

House, that would tend to cultivate thrift among the people of Canada.

Hon. Mr. FERGUSON—I rise to a question of order. I think it has been an extremely irregular course that has been pursued on an inquiry of this kind, for the right hon. Minister of Trade and Commerce to deliver a prepared and academic speech as he has done, more particularly as a discussion upon it cannot be carried on without a further breach of order, and inasmuch as the members of the House have had no notice whatever that any such discussion was going to be introduced. If we are going to have a discussion of this kind, the notice should be in such a form as to indicate what was coming before us. I think the House has been taken advantage of very unfairly by the hon. gentleman from Wellington and the hon. Minister of Trade and Commerce. Those who knew what was intended had an opportunity to prepare their speeches which others had not.

Hon. Mr. CLORAN—Does the hon. gentleman object to spontaneous light on the subject ?

Hon. Mr. FERGUSON—I do not hear the hon. gentleman at all, and I press my point of order.

Hon. Mr. ROBERTSON—I move the adjournment of the debate.

Hon. Mr. CLORAN—I think the House is ready to hear everything that is to be said on the subject.

The SPEAKER—I think no discussion can take place on such a question being put.

Hon. Mr. SCOTT—I have a distinct recollection, in the early history of the Senate, of general discussions arising on questions of this kind simply by the courtesy of the House. It may be technically contrary to the rules, but, certainly, my remembrance of similar questions is that a fair discussion was permitted. I do not think it has ever been shut off in the way indicated.

Hon. Mr. LANDRY—The method that has been adopted in this House for the last few years is according to Bourinot. He states :

> The more regular, and now the more common practice is for a member, in cases requiring some discussion, to give notice that he will call attention to a certain fact.

If the hon. gentleman, instead of placing his question on the order paper in the way it is, had called attention to certain facts and then said, 'I will inquire,' then the notice being brought to the attention of the House, everybody would be prepared for the discussion ; but it is not regular to bring the matter up in this way, and we cannot move the adjournment of the House, because it is not in the form it should have been.

Hon. Mr. GIBSON—The notice says 'I desire to inquire if the government had this matter under consideration.' It is an inquiry.

Hon. Mr. LANDRY—The hon. gentleman did not catch my remarks. I know it is an inquiry, and it is precisely because it is an inquiry that we cannot discuss it. If he had said that he called the attention of the House to certain facts and would inquire, then the question could be discussed. That is the practice laid down in Bourinot.

Hon. Mr. FERGUSON—Rule 39 says :

> No debate is in order on a mere inquiry ; but explanatory remarks may be made by the senator making the inquiry, and by the minister or other senator answering the same. Observations upon any such answer are not allowed.

The course pursued by the hon. gentleman, and the hon. minister who replied, has put the whole House at a disadvantage. It is only those who knew that the debate was coming on who would be prepared. We are all at a disadvantage, and I do not think it is proper and fair that the House should be so treated. It would not be in order to continue the discussion on a motion of adjournment of the House, neither can the debate be adjourned.

Hon. Mr. McMULLEN—I can assure the House that I had no intention, in putting the question, of placing any member of the House in a position where he could not speak. I have heard questions discussed in the House before, and I understood that by putting a question of this kind the discussion would be permitted, because I have heard questions discussed before. I can assure every hon. gentlemen of the House that I had no intention of preventing any

hon. member from expressing his views on the subject.

Hon. Mr. POIRIER—In order that we may hear what my hon. friend from Middlesex has to say, I move the adjournment of the House.

The SPEAKER—If the hon. gentleman would allow me, I have decided on the point of order, and I should have mentioned the sections upon which I based my decision. They are as follows :—

21. When a senator wishes to give notice of an inquiry or motion, he reduces the notice to writing, signs it, reads it from his place during a sitting of the Senate, and hands it in at the clerk's table.

The rule does not apply to motions with respect to Bills nor to motions dealing with reports of committees, nor to formal routine, subsidiary or incidential motions, notice of which when necessary, may be given by word of mouth, or by any means which places such motions among the orders or on the notice paper for any day.

Rule 39.—No debate is in order on a mere inquiry ; but explanatory remarks may be made by the senator, making the inquiry and by the minister or other senator answering the same. Observations upon any such answer are not allowed.

Rule 40.—When it is intended to make a statement or raise a discussion on asking a question, the senator having such intention, as part of the notice under rule 21, gives notice that he will call attention to the matter inquired into.

Hon. Mr. ROSS (Middlesex)—If I may be allowed to interpose here, I think perhaps a discussion at another stage would serve a better purpose. I am under the impression, from the remarks of the hon. minister, that the question is a deeply interesting one, and I shall take the proper and ordinary course of giving such notice as will enable me to offer observations I might wish to make, and then other hon. gentlemen, perhaps, who are interested in the question will assist in throwing additional light on it. Thanking my hon. friend for the courtesy of giving me an opportunity to speak, I shall postpone my remarks to another occasion.

Hon. Mr. POIRIER—With the permission of the House I withdraw my motion to adjourn.

## THIRD READINGS.

Bill (52) An Act to confirm certain agreements between the British Columbia Electric Railway Company, Limited, the Canadian Pacific Railway Company, Lord Strathcona and Mount Royal, and Richard B. Angus, and between the Canadian Pacific Railway Company, the British Columbia Electric Railway Company, Limited, the Vancouver and Lulu Island Railway Company, Lord Strathcona and Mount Royal and Richard B. Angus.—(Hon. Mr. Lougheed.)

Bill (Q) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Roy.)

Bill (41) An Act respecting the Manitoba and Northwestern Railway Company of Canada.—(Hon. Mr. Douglas.)

Bill (11) An Act to incorporate the Saskatchewan Valley and Hudson's Bay Railway Company.—(Hon. Mr. Roy.)

Bill (39) An Act respecting the Brockville, Westport and Northwestern Railway Company.—(Hon. Mr. Watson.)

Bill (57) An Act respecting the St. Mary's and Western Ontario Railway Company.—(Hon. Mr. McMullen.)

Bill (24) An Act respecting the Orford Mountain Railway Company.—(Hon. Mr. Mitchell.)

Bill (45) An Act respecting the Athabaska Railway Company.—(Hon. Mr. Talbot.)

Bill (49) An Act respecting the Central Counties Railway Company.—(Hon. Mr. Edwards.)

Bill (74) An Act respecting the Athabaska Northern Railway Company.—(Hon. Mr. Davis.)

Bill (64) An Act to incorporate the Alsek and Yukon Railway Company.—(Hon. Mr. Ross, Moosejaw.)

Bill (13) An Act respecting the La Compagnie du chemin de fer de Colonisation du Nord.—(Hon. Mr. Thibaudeau, de la Vallière.)

Bill (25) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.—(Hon. Mr. Ross, Moosejaw.)

## SECOND READINGS.

Bill (EE) An Act to incorporate the Winnipeg and Northwestern Railway Company. —(Hon. Mr. Ross, Middlesex.)

Bill (FF) An Act respecting the Algoma Central and Hudson Bay Railway Company.—(Hon. Mr. Ross, Middlesex.)

Bill (GG) An Act respecting the St. Mary River Bridge Company.—(Hon. Mr. Ross, Middlesex.)

Bill (HH) An Act respecting the Lake Superior Power Company.—(Hon. Mr. Ross, Middlesex.)

Bill (II) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Ross, Middlesex.)

Bill (JJ) An Act respecting the Ontario, Hudson's Bay and Western Railways Company.—(Hon. Mr. Ross, Middlesex.)

Bill (Z) An Act to incorporate the St. Leon Railway Company.—(Hon. Mr. Legris.)

## TEMISCOUATA RAILWAY COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. TESSIER (in the absence of Hon. Mr. Casgrain, de Lanaudière), moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (V) An Act respecting the Temiscouata Railway Company.

The motion was concurred in.

Hon. Mr. TESSIER moved the third reading of the Bill.

Hon. Mr. LANDRY—The motion is not in order.

Hon. Mr. POWER—The Bill cannot be read to-day. It is not on the orders for third reading to-day.

Hon. Mr. TESSIER—If there is any objection, I move the third reading for to-morrow.

The SPEAKER—In the meantime I will look into the matter.

The motion was agreed to.

## INTERCOLONIAL AND PRINCE EDWARD ISLAND RAILWAYS EMPLOYEES PROVIDENT FUND BILL POSTPONED.

The Order of the Day being called :

House again in Committee of the Whole on Bill (68) an Act to establish the Intercolonial and Prince Edward Island Railways employees' provident fund.—(Rt. Hon. Sir Richard Cartwright.)

Hon. Sir RICHARD CARTWRIGHT—There is a mistake here. I moved that this order be fixed for Tuesday next, as I wanted time to confer with the minister as to some of the objections raised by my hon. friends. I might mention incidentally to the leader of the opposition that I called the special attention of the Minister of Railways to the objection taken by him to the exclusion of ladies from the benefits of the Act, and I have his personal assurance that he will be delighted to embrace all desirable females in the Act.

The motion was agreed to.

## MILITIA ACT AMENDMENT BILL.

SECOND READING.

The Order of the Day being called :

Second reading Bill (T) An Act to amend the Militia Act as regards the calling out of the Active Militia in aid of the Civil Power.—(Hon. Mr. David.)

Hon. Mr. DAVID—I had about given up the idea of proceeding with this order to-day, but I shall do whatever the leader of the House may suggest.

Hon. Mr. SCOTT—My suggestion would be to drop the Bill.

Hon. Mr. DAVID—I cannot do that; therefore I shall proceed with the Bill. Hon. gentlemen will see that when I am convinced that I am right, I persevere. What has been said in this House, and what has been published in the newspapers in the whole country, instead of modifying my ideas have confirmed me in the faith and in the belief that I was right when, three years ago, I moved an amendment to the Railway Act to amend the sections connected with the calling out of the militia in cases of riots, strikes or disturbances. I am more convinced than ever that it is a question which deserves the attention of public men and all who take an interest in the welfare and prosperity of Canada, and wish to remove all causes of friction and everything which impede or prevent the progress and development of the country. In spite of all the measures which have been taken, and which are being taken

now throughout the world, to improve the condition of the workingman ; in spite of the Conciliation and Arbitration Bills which are being discussed in the House of Commons, and which will be submitted to the Senate before long, I have no hesitation in saying that we cannot remove for ever all causes of friction ; and, as it has been well put by one of the newspapers which discussed that question, the Ottawa 'Citizen', the growth of our population, the progress of our industries, and the great works which are being contemplated, and which are now under construction, will necessarily increase the possibilities of friction such as I have spoken of, and render it more and more necessary to have recourse to the militia in certain circumstances. That is a reason why we should do everything in our power to make the laws connected with the calling out of the militia as just and wise and equitable as possible. But I need not go over the whole question, which is a very important one ; I want to speak of the amendments which I wish to make to the Militia Act. There are two sections especially which I want to amend and which have been recognized by those who have considered the question, as being very important. The first is section 82. In the Revised Statutes of Canada, section 82 of the old statute has been divided into two.

They are the clauses by which power is vested in the judge, to call out the militia when the mayor of the municipality refuses or neglects to do so.

It means that in any organized municipality, when the mayor refuses or neglects to call out the militia, a single judge—I call the attention of the hon. gentlemen to this point—can call out the militia without the consent of the mayor or any person representing the municipality, and the consequence is that in such cases, even when the militia are called out against the will of the municipality, the municipality is nevertheless obliged to pay the expenses involved in calling them out.

I ask the hon. gentlemen of this House, if it is just and proper, in such a case, to make the municipality pay ? I have no hesitation in saying that it is an injustice and that the law should be modified, and I want to modify it in this way. In my amendment I asked that where the mayor refuses to sign a requisition to call out the militia, that the militia may be called out by a judge, a magistrate who has, in that place, under the Criminal Code the power of two or more justices of the peace, and a justice of the peace in order that in such case one of the officials may be a recorder, or a magistrate having the power of two or more justices of the peace. Then the words are added 'and with a justice of the peace'. I think that will furnish more security, if the requisition is signed by a judge and a man who is accustomed to exercise criminal jurisdiction, like a recorder. Hon. gentlemen who are afraid that the modifications which I intended to make would have the effect of inducing the municipalities to call out the militia without sufficient cause, will have no objection to my amendment, because the effect of it will be to safeguard the municipality and the government against the militia being called out without a sufficient cause. Whether the law remains as it is as to the payment of the militia or whether the amendment proposed by my Bill will be adopted or not, in any case I think the first amendment, which I have just discussed, should be adopted in the interests of the municipality as well as the interests of the government. Now I come to the second amendment. Section 89 of the Revised Statutes provides that, in any case when the militia is called out, whether it is called by the municipality or not, whether the requisition is signed by the mayor or not, the municipality is obliged to pay the expense, and whether the permanent force is used or not makes no difference. I call the attention of the hon. gentlemen to this point ; that whether the permanent force is employed or not the municipality has no discretion, and they are obliged to pay. Suppose a riot or disturbance took place in a very small municipality composed of a few hundred people, either in one of the lower provinces or west, it makes no difference, or whether the disturbance took place on a public work, government property, or railway works, the municipality is obliged to pay, and in certain cases, the riot may take place in a harbour which extends from one municipality into another, or it may extend along the front of many municipalities. If the

requisition is signed by the mayor, or by the persons authorized to sign the requisition in one of the municipalities, that municipality is obliged to pay the militia. There are many cases that could be cited to show that the law may be very unjust in its application to certain municipalities. There are cases like the celebrated Guibord case in Montreal, where the militia was called out on the occasion of the interment of Guibord. The trouble came from people living outside of the limits of the municipality, and the trouble which was anticipated was to come along the route of the funeral procession from people living in the adjoining municipalities, St. John Baptiste, St. Louis and other municipalities. Although the trouble in that case did not come from the people living in the district of Montreal the city was obliged to pay the cost of the services of the militia. I ask whether it was just in such a case to force the city of Montreal to pay the cost of the militia ?

Hon. Mr. SCOTT—That was more than thirty years ago.

Hon. Mr. DAVID—I am speaking of Montreal, because I know more of what took place there than elsewhere. On the occasion of the longshoremen's strike a riot took place in the harbour of Montreal. A requisition was made by the city of Montreal, to call out the militia. The disturbances took place not only in front of the city of Montreal, but in front of Maisonneuve and Long Point, but because the requisition was signed by the mayor and two magistrates of Montreal the city was obliged to pay $20,000 for the use of the militia on that occasion. If I were to cite all the cases in which there was an evident injustice to the municipalities in forcing them to pay, I would take up too much time. I will cite only a few cases. In the majority of those cases the disturbances took place on public works, on railways, canals or government works. It was very seldom that disturbances took place on account of the by-laws of a municipality. In 1876 a disturbance took place on the Grand Trunk Railway at Belleville, and the militia was called out. In 1877 riots took place amongst labourers on the enlargment of the Lachine canal at Cote St. Paul. In 1878 disturbances occurred on the Quebec, Montreal, Ottawa and Occidental Railway, in order to give possession of the road to the province or the government. Three or four municipalities were interested. In 1880 detachments were called out for service at Long Point and Port Dover, Norfolk country, Ontario, on account of anticipated riots in connection with prize fights projected by foreigners. In 1884 disturbances took place between labourers employed on the Pontiac Pacific Junction Railway. In 1903 the whole of the Montreal division was on duty for some weeks at the entrance of the harbour on account of riots resulting from the strike of longshoremen. The harbour is government property, untaxable, and in fact a national port. The east end of the harbour extends for several miles beyond the city's eastern limit. In many instances there was a good deal of discussion and contestation, and the government did not know what to do. I could not get all the information which I wanted. I could get the information about the payments of the militia when called out in a few instances, but I do not scruple to say that in many cases the government itself was obliged to recognize that they could not exact the whole cost of the services of the militia and that in many instances they were obliged to settle the bill, the municipality paying only part of the cost. In the Hamilton case, the account was sent to the municipality. The municipality refused to pay, and the government consented to reduce the bill by fifty per cent, thus adopting for the first time the principle that the municipality should not pay, at least for the services of the permanent force. I take advantage of that precedent to prove that this is a corroboration of my assertion, that the law is very imperfect, because in a great many cases the government cannot discriminate. I think that supports my contention that the law should be amended, because it cannot be carried out as it is. I say that the present law is unjust and very dangerous. It is very dangerous, because a poor municipality, having reason to fear that if they call out the militia they will have to pay a heavy bill of costs beyond its means, rather than become liable for such an expenditure, will refuse to call out the militia. I have no

hesitation in saying that that refusal or delay may be the cause of great mischief and bloodshed and damage to property and persons. When the matter came before the House of Commons, the Prime Minister was obliged to admit that in the Buckingham riot if the militia had been called out two days sooner there would have been no bloodshed. I shall now answer the principal objection which has been made. It has been asserted that this is a municipal or a provincial question. I am ready to admit that as regards the common peace and order, the provinces and the municipalities have the power to organize a police force in order to maintain the peace ; but when the peace is disturbed to such an extent that it is necessary to apply to the federal government and to put into operation the federal laws on the subject, I think it ceases to be a municipal question, and that it then becomes a federal matter. The only militia authorized by the constitution is federal. The provinces have no militia ; the law does not recognize any militia organized by the provinincial government. The parliament of Canada has passed laws on the question of riots and disturbances, and for the calling out of the militia and by that fact has recognized the obligation of acceeding to the requisition of the local authority when there is trouble in the municipality. The laws which the militia is called upon to uphold are federal laws, not laws of the municipality, because, as I said before, in almost all cases the disturbances take place in the enforcement of federal laws, and not municipal by-laws. Therefore, I say that if by virtue of the constitution the government is obliged to supply the militia when it is called out by the municipalities in cases of riots, disturbances and strikes, those services may be gratuitous, because the militia is maintained by the country and it costs a great sum of money every year. The country spends three or four millions for the maintenance of the militia, and the government is not obliged to employ the militia. The government has a permanent force which they may employ if they like. As I said before, the government have at their disposal two or three thousand men belonging to the permanent force. If the number is not sufficient they should place themselves in a position to respond to requisitions which may be made upon them by municipalities, because it is their duty to give the municipality the help which is asked for. I inquired from people who were in a position to inform me, and have been informed that in the United States the municipalities never pay for such service in cases of riots and disturbances and if they disburse moneys in connection with those disturbances and riots they are reimbursed by the federal government or state government. No body denies that in cases of insurrection, the government is obliged to supply the militia force required. As was stated by the Ottawa 'Citizen,' the difference between an insurrection and a riot is very slight, and very often a riot is only the beginning of an insurrection. For all these reasons, I think the amendments which I have proposed should be adopted. The hon. members will remark that my amendments will apply only to municipalities organized as towns and cities and as regards the signing of the requisition and that, I propose that all municipalities, rural or not, be exempt from paying, but that towns and cities will be obliged to supply the lodging to the militia called out. Perhaps I should immediately answer the legal objections which may be made, that it is a money Bill. I contend that it is not a money Bill. What does the constitution say on this subject ?

Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons.

I contend that in this case there will be no appropriation of the public revenue, or imposition of any tax or impost. Because the municipalities would be exempt in future from paying the expenses in connection with the calling out of the militia it does not follow necessarily that there will be a charge upon the people of the country or an appropriation of the revenue. In order to raise that question of the constitutionality of the Bill, it would be necessary to be in a position to affirm that the effect of the Bill is clearly to impose a charge upon the people or appropriate a part of the revenue. Nobody can show that, but I have a right to say that the government will not be obliged to pay if they do what

they ought to do—if they employ the permanent force. I have a right to say that in all cases they may use the permanent force, and if the permanent force is not sufficient, it is not the fault of the municipality. The government has only one thing to do, and that is to appropriate a little more every year, and the Senate will not refuse to give them what may be necessary to provide an adequate force. The argument that the Bill might indirectly affect the revenue is not sufficiently forcible to deprive the Senate of its jurisdiction and the right to discuss and pass such a Bill. If such a principle were adopted—if because a Bill may have the effect of increasing the expenditure in connection with the department were sufficient to take away from the Senate its jurisdiction, what would be the result? Probably twelve out of every twenty Bills which we pass affect the revenue, and the Senate could not pass a Bill to reorganize or improve a department. I am sure if I had time to go through the Acts passed by parliament in the last 10 or 20 years I could find a great many of that character, because, in many cases, the Senate has passed Bills to improve a department declaring it to be necessary to make certain changes, and would the objection, that the passing of such Bill would have the effect of obliging the government to increase the number of employees, be sufficient to deprive this House of its jurisdiction? I am supported to a certain extent on this point by Bourinot.

It is evident that his opinion was that it does not pertain to the Senate to raise the objection. When there is a serious doubt, it is not for the Senate to declare that it has no jurisdiction in matters of this kind, especially when it cannot be affirmed positively that the effect of a Bill will be to impose a charge or increase the public expenditure. The simple supposition is not sufficient to take away from the Senate its jurisdiction and its right to consider such a Bill. Let the House of Commons raise the objection if they like, but the Senate, instead of curtailing its privileges, should extend them and not be the first to raise such an objection.

Hon. Mr. POWER—I expressed my views on this question at an earlier stage. Every one must feel that the hon. gentleman from Mille Iles has done his duty by this Bill: He has taken pains to have it carefully drafted, and he has put the arguments in favour of his view before the House in a very clear and satisfactory way. Whether he has persuaded hon. gentlemen to agree with him or not, is a question I cannot answer. With respect to the last point that the hon. gentlemen dealt with, that is the question as to whether or not this Bill is ultra vires, I have not any very strong impression. I agree with the view taken by the hon. gentleman, that the Senate, instead of trying to minimize its power should rather take the other line. I do not propose to say anything about that, but I do wish to make an observation on what the hon. gentleman said with respect to the permanent force. The hon. gentleman being aware—because the point came up at an earlier stage—that the bulk of the permanent force was employed in doing garison duty in some two or three important places, I mean important from a military point of view, knows that they would not be available for the kind of duty for which he wishes to use them. He contends that if the permanent force is not strong enough, we should make it stronger. If you are going to increase the permanent force to such an extent that you will have details of it within easy reach of all places in Canada, where industrial trouble is likely to arise, that would mean a large increase in that force, and an exceedingly large increase in the sum paid by the country for militia purposes. I think the sum which we now pay is quite large enough. The proposition that you should not employ the ordinary militia, but should keep a part of the permanent force within easy reach, is one that would not meet with the approval of this House or I assume of the people generally. The attitude which the hon. gentleman has taken with respect to the calling out of the militia does not seem to me to be quite consistent with itself. The first amendment which the hon. gentleman proposes, would make it more difficult to call out the militia. I do not think it is necessary to dwell on that. The law as it is provides that the mayor or warden, together with two justices of the peace, or in the event of these authorities not acting, a judge may act. The hon. gentleman proposes in the clause which he suggests as

an additional clause to section 83, to substitute this provision:

If the official head of the municipality refuses to act or is unable to act, by any county court or district court judge who has jurisdiction in that place, acting together with any judge or magistrate who, under the Criminal Code, has in that place the power of two or more justices of the peace, and with a justice of the peace.

Hon. gentlemen will see, you must have not only a judge, but you must have with him a magistrate who has the power of two justices of the peace, and also a justice of the peace. That means at least three persons, and in case there is a riot which has reached an acute stage, the requirement that so many parties must sign the request for the militia would involve delay which might have serious results.

Hon. Mr. DAVID—This will apply only to municipalities. It will give more guarantee to the government that the militia will not be called out without all necessary precautions being taken.

Hon. Mr. POWER—As a general thing, the militia have not been called out too soon. I have not heard of any cases where it is contended that the militia should not have been called out. There are cases where they need not have been called out if the civil powers had done their duty. The effect of this amendment is to make it more difficult to call out the militia. Then the hon. gentleman took the ground that, in certain cases, bloodshed would have been prevented if the militia had been called out sooner. He proposes to put difficulties in the way of calling out the militia, and then he contends that on some occasions the militia were not called out soon enough. I take the view which I expressed when the Bill was before the House at its first stage. The main thing is that the civil authorities shall do their duty. It is their duty to keep the peace within the limit of the municipality; and they should have no inducement to neglect to do their duty. We know that in the case of Hamilton the civil authorities did neglect their duty. If they had taken prompt and decisive steps at the beginning it would not have been necessary to call out the militia. Therefore, we should not do anything which would tend to hinder the civil power from doing its duty. If this Bill were to become law, the great inducement to the civil powers to suppress riot and disturbance would be taken away, because they would feel that they would not have to foot the bill, and they could let things go and simply have the militia called out and saddle the country with the expense; and we should have the militia called out very frequently under those circumstances. If you take away from the municipal authorities all over the country the inducement to do their duty and keep the peace, then you will have to call out the militia in probably twenty cases for the one case in which they have to be called out now. When you take away from the civil power the obligation to keep the peace themselves under the penalty of paying for the force which is brought to remove the result of their own negligence, then you offer an inducement to the municipal authorities not to do their duty; and I think that would be a most unfortunate thing to have in this country, which is supposed to be governed by law and not by force, the spectacle of the militia called out every time there was a trifling disturbance in a municipality. It would be a most unfortunate thing, highly discreditable to Canada, and most injurious to our reputation. The law now on the statute-book has been practically the law since confederation. It was the law in the provinces of which the confederation was constituted, and we should be very unwise at this day, without some stronger reason than has been given, to do away with that system which, on the whole, has worked very well, and to introduce a system which would be sure not to work well.

Hon. Mr. SCOTT—I do not know that I can add anything to what I said a few days ago when this subject came up for discussion. It would be very unwise to make any change. Happily, we live in a community where riots very rarely take place. Where they do, as a rule it has been the fault of the civil authorities in the city or town where they occurred, in not taking action at the proper moment. The instance given, of Hamilton, was entirely due to the supineness of the mayor. The people concerned in it were active voters, and it was approaching the election time and he hesitated to call out the militia. In the instance also to which I referred on the former occasion, at

Buckingham, it was entirely due to the civil authorities allowing it to develop in the manner it did, until it got beyond their control. The proposition is simply this : to charge the whole body of the people of Canada with the cost of calling out the militia when in one particular community, owing to the supineness and the laxness of the civil authorities when a (I will not call it a riot) a disturbance begins. Experience shows that, when properly handled, public opinion in this country always controls any action of that kind if taken in the beginning, before people's minds are excited. I think the Bill is one the Senate should not accept. It proposes to transfer a liability from the municipality to the Crown. That is the effect of it—to transfer the responsibility. I do not think the Senate has jurisdiction to that extent. It also provides for the payment, under certain conditions, and makes it a tax on the public revenues of this country which at present does not exist. We surely cannot do that. The hon. gentleman having explained his own views, will scarcely find any considerable number in the Senate, and certainly not in the House of Commons, in accord with the proposal he submits for our consideration. Under these circumstances, I ask the hon. gentleman to withdraw the Bill rather than have it thrown out.

Hon. Mr. SULLIVAN—I regret exceedingly to have to differ from the hon. Secretary of State. I adhere to the opinion which I had formed about this Bill ; I think it is a fair and just measure. The municipality is not the cause of the riot or disturbance which may take place, and that is one reason why the municipality should not be saddled with the expense. There may be, as in the case of Buckingham, a large body of troops required, and it might bankrupt the community to have to pay the cost of maintaining those troops. That is the chief reason why I thought it would be only just that the burden should be transferred to the general mass of the people of Canada. In the case of a strike, the whole people are concerned and not the municipality alone. It is a riot between capital and labour, and no matter what the field of the battle may be, it is certainly not one that a municipality is equitably or justly liable for the expense incurred in calling out the militia. There is another reason, and that is that the prompt calling out of the troops is one means of checking a disturbance. The fact of the municipality having to pay the amount required for the maintenance of these troops is a strong reason why the civic authorities, those who are elected by the popular vote, will hesitate saddling the municipality with such a large expenditure. If the mayor had no fear of incurring the large expense on the people he represents, he would at once have recourse to the militia as a means of putting down the disturbance. I think these are good and valid reasons for some change. Is it fair that a small municipality should be saddled with all this expense when the difficulties may have been transferred from some other section or caused by some interest outside the municipality ? Why should the municipality have to pay it all ? With regard to the militia force, to which the hon. member for Halifax referred, that does not apply. A small body of permanent troops would be sufficient if called out early. They are at the principal cities where strikes are likely to occur, or contiguous to them and therefore the expense would not be so very great in utilizing the permanent force.

Hon. Mr. CLORAN—I am surprised at the moderation of this Bill. I thought the promoter would have given to the parliament of Canada something more exacting in regard to the duties of the national government in respect to the devolution of duty on the part of the municipality. I am sorry to see that the Bill is not complete in that respect. I think you would have done well to make it plain to the people of Canada that the country as a whole shall be responsible, and alone responsible, for the maintenance of troops required to keep order in any part of this country, especially when such order is to be maintained on behalf of the government and not on behalf of those who are not responsible for causing the trouble. As I have already stated on the floor of this honourable House, a corporation that would be the cause of trouble within its own jurisdiction would have to pay for the results of that disturbance ; but a municipality that, through its administration, by its officers, or through its by-laws, violates no law of this country and does not encourage the violation of any law, that municipality should not be held

responsible for the results of disturbance, riot or rebellion. The municipality that has by-laws that are accepted by the community at large as fair and just, and is governed by patriotic men who do not encourage disturbance or riot, should not be called upon to pay the expense of a riot, disturbance or rebellion, because one or two hundred strangers come within its confines and create a row on the borders of a canal, or on a railroad, or at a prize fight, as has happened in Ontario, when the militia were called out to suppress a riot. Was it the municipality that was responsible for the outbreak on that occasion? No. This parliament wishes to proceed on the old, played-out idea, that the municipality in which a disturbance occurs must be responsible and must bear the consequence. I say it is not fair, except on the one ground; that is, if the municipality is the cause directly or indirectly of the riot. If it is not, the general government of Canada is responsible for the maintenance of peace within its borders, just as it is responsible for maintaining the peace along the international boundary. The hon. Secretary of State says that the municipalities are largely responsible for the disturbances that take place. I beg to take issue with him immediately on that point. Was the municipality of Côte des Neiges responsible for the outbreak in 1875, when Guibord was buried, when the entire militia of that district was called out, over 4,000 strong? The entire disturbance took place in a small municipality outside of Montreal. Am I to be told that that little municipality shall be called upon to pay the expense of calling out the militia on that occasion because the disturbance happened to take place in the Côte des Neiges cemetery, situated in a little municipality which, at that time, had not over one hundred families?

Hon. Mr. McMULLEN—They did not pay it.

Hon. Mr. CLORAN—If such a thing was tolerated in that day we shall not tolerate it now. In the city of Montreal, as the hon. member from Mille Iles has pointed out, we have had the militia called out several hundred strong to keep order on the wharfs on the property of the harbour commission, not on the property or within the confines of the city of Montreal. The militia were there guarding government property, property belonging to the people of Canada, from Vancouver to Halifax, property extending through two or three municipalities; yet, under the law, Montreal was saddled with the entire expense, and that is why we now ask parliament to remedy that state of affairs. It was not fair for the Dominion government to saddle on Montreal the expense of that disturbance. The citizens of Montreal had nothing to do with it, as a corporation or a municipality. The disturbance took place on government property adjacent, it is true, to that of the city of Montreal, and because people were more or less easily led in the council of the city of Montreal, the city was made to carry the burden.

Hon. Mr. SCOTT—The hon. gentleman is in error in saying it is government property. The Harbour Commissioners of Montreal own the property.

Hon. Mr. CLORAN—I accept the explanation; but the harbour commissioners are under the direct control of the government. Montreal has absolutely nothing to do with the harbour commissioners. The government owns everything in connection with the harbour commission.

Hon. Mr. SCOTT—The hon. gentleman is entirely in error. The property to which he refers is owned by the Harbour Commissioners of Montreal. The government have loaned them money, and the harbour commissioners pay interest on every dollar they get.

Hon. Mr. CLORAN—I hope they do.

Hon. Mr. SCOTT—They do. The interest is regularly paid.

Hon. Mr. CLORAN—That makes the situation all the worse. Why should the federal authority say to the city of Montreal, 'You shall be responsible for a disturbance on the property of a third party.' The federal government holds the city of Montreal responsible for a disturbance occurring on the property of a neighbour over which it has no control, property on which it pays no taxes.

Hon. Mr. McMULLEN—Is not the property within the corporation of the city of Montreal?

Hon. Mr. CLORAN—The property is not within the limits of the city of Montreal, and is not recognized as being within the limits of the city, and we cannot raise one cent of taxes on it. So that the situation pictured by the hon. Secretary of State is still worse. The city of Montreal has to deal with a third corporation which is still smaller than that of the Dominion government. Now that is a position which we do not want to tolerate any longer. I am not only speaking for Montreal, but for the corporation of Maisonneuve and all those municipalities along the river front. How is it the government came to an arbitrary decision to inflict on Montreal the payment of all the expense incurred owing to a disturbance, which took place along the whole of the line of the River St. Lawrence from Montreal down as far as Long Point? That was an arbitrary decision on the part of the government. I think it was unfair. The citizens of Montreal should not be called upon in the future to fulfil an obligation of that kind. Of course if parliament says we have to do it, we must do it, but before doing it we will put our claims before the parliament of Canada to say whether it is fair or just. I am told again that the municipalities are responsible for riots which take place in their territory. What happened at Côte St. Paul a few years ago, in the construction of the canal? There were tremendous riots there. That is outside of the city of Montreal. Côte St. Paul was a very small corporation twenty or twenty-five years ago. It is a progressive place now, and I am glad to know that it is prospering. Why throw all the blame and cost of that strike, which took place on federal public works, on that municipality? It is absolutely unfair. I admit that it is according to law, and we are told by the hon. gentleman from Halifax that it is a law that has been in existence since confederation, and therefore we should let it alone. We are here to remedy the defects of the past; to wipe out what has been mouldy and crumbling. We are not here to endorse everything that was done forty years ago because it was considered to be good policy at that time. It is time to cure these defects in our laws. I could cite other instances of strikes and disturbances, where there was no contribution at all towards the expense of the militia by the municipality. Take the construction of any canal, or a railway going through the country or province. They may run through ten or twelve municipalities. Probably not one man in one hundred working on that line of railway or canal belongs to the villages or municipalities on which that work borders—probably not one man. Who are they? Strangers. Foreigners for most part. A strike occurs among these men, and the militia is called out. I ask hon. gentlemen in cool common sense, is it fair to say to these poor little struggling municipalities that because there is a riot brought on by strangers and foreigners, and the militia have to be called out, to the extent of one or two or three thousand and kept there two or three weeks to re-establish peace and maintain it, that the municipalities should pay all the expense?

Hon. Mr. SCOTT—Nor do they. It does not follow that when the troops are called out the municipality has to pay. Take the Belleville strike for instance. It was not the Belleville strike, it was the Grand Trunk Railway strike. I was in the government at the time, and my recollection is that Belleville paid a very small, fractional part of the expense. The main portion of the cost was borne by the government. In the instance of the hon. gentleman gives, along the Lachine canal, the individual townships have not been saddled with the expense.

Hon. Mr. CLORAN—They have been saddled in Montreal, and the principle should not be changed because Montreal is a city. If the government is prepared to introduce an amendment in this Bill providing that where the municipality is not responsible for the strike, the government should pay for it, that is all I want. I was asked when this measure was brought into the House, who is going to be the judge of the necessity for calling out the militia. Why submit it to the judge of the district. If it can be proved the municipality was responsible either through its by-laws or its lax administration, for the resulting consequences, then let them pay for it, but every in-

corporated village or township is liable to be taxed for the calling out of the militia just the same as Montreal, because it is incorporated by the legislature. They exist by virtue of the charter or Act of incorporation by the legislature, and these municipalities are liable to be taxed. All I want is a strong declaration on behalf of parliament and the people of Canada that when a municipality has by-laws in accordance with justice and right, and has an administration of affairs which is equitable and fair, and that administration and those by-laws do not bring about a strike and riot of themselves, that the municipality should not be held responsibile for the expense of calling out the militia. I am not discussing the opportunity of calling them out, at what moment, or what time, but I want to lay it down as a principle in the laws of our country that we should not have to pay for that for which we are not responsible. That is the only point, and I express regret that the hon. gentleman from Mille Iles did not go far enough. The Bill only amounts to this; under what circumstances will the militia be called out. Probably the right of calling out the militia under the old law is just as good and effective as under what he proposes here. That clause is simply a variation. There is no question of principle. It is a question between the mayor and other officials as to calling out the militia. The second clause of this Bill is at variance with what he asked for. You actually saddle the municipality with the responsibility without saying it. I am opposed to that clause. He says the municipality will be obliged to give lodgings, &c., to the officers and men.

Hon. Mr. LANDRY—They will pay for that.

Hon. Mr. CLORAN—That the municipality will be obliged to give lodging and food to the men?

Hon. Mr. DAVID—That they would be obliged to supply them with food and lodging, if they were responsible.

Hon. Mr. CLORAN—But if they are not responsible and not the cause of the strike, why saddle the municipality with the expense? The second clause is against the idea which has been developed in all this discussion, that the expenses of calling out the militia should be saddled on the responsible party, and that party alone would be the municipality or the people who break the law. The government is supposed to enforce the laws and keep peace.

Hon. Mr. LANDRY—Is the hon. gentleman against the clause or for it?

Hon. Mr. CLORAN—I am against the clause.

Hon. Mr. BEIQUE—The hon. gentleman from Victoria is mistaken when he says the harbour of Montreal is not within the limits of the city of Montreal.

Hon. Mr. CLORAN—Not within the limits of its jurisdiction.

Hon. Mr. BEIQUE—Yes. He is mistaken. It is within the limits and the jurisdiction of the city of Montreal.

Hon. Mr. CLORAN—Since when?

Hon. Mr. BEIQUE—Well, always, except for a time the government had its own police. It is a property situated down the river but which is owned by a department of the government. The limits of the city extend to the middle of the St. Lawrence.

Hon. Mr. LANDRY—And the harbour?

Hon. Mr. BEIQUE—Yes, but of course it is only for police purposes.

Hon. Mr. CLORAN—Exactly.

Hon. Mr. BEIQUE—The limit extends to the middle of the river, but the jurisdiction of the city, as a matter of fact, is limited to police regulation, because the property being all owned by the government and not liable for municipal taxes, the city cannot interfere with the management of that property. But this, I think, is quite foreign to the Bill in question. As far as I am concerned I am not prepared to say now that I would be disposed to support the Bill in its entirety. I believe there is something in the Bill which would warrant it being read the second time and referred to a Committee of the Whole, and, when in committee, we may come to the conclusion that the Bill should be killed; but for my part I am not prepared to do so now. There are two points covered by the Bill. The first point is that under section 82 of the Militia Act, if the mayor is unable to act, whether by absence or otherwise, or refuses to act,

power is given to the county or district court judge or one of the county or district court judges having jurisdiction in such place, acting alone, to call the militia. It seems to me it is rather unreasonable. Here is a person who is not at all connected with the municipality, and the law gives him, and him alone, the power to call out the militia, and the municipality would have to pay the bill. It seems to me that the municipalities are entitled to ask this honourable House that the law be made more conservative, not by way of obstructing the calling out of the militia, but to have it done with the consent of a magistrate having at least the power of two justices of the peace. It seems to me so far the Bill would be on proper line. As far as the other point is concerned, possibly the Bill is going too far; but it would appeal to my mind, if a provision made to this effect, that the liability of a town or municipality be limited to cases where the riot originates in the municipality leaving it entirely to the goverment to decide the question of fact. It should not be open to any controversy; the government should be the sole judge. It seems to me it would be a proper rule to place within the four corners of the statute, in order that the government may act upon a settled principle. From the reports which were laid on the table of this honourable House by the hon. Secretary of State, at the request of the hon. gentleman from Mille Iles it appears that a number of cases, for one reason or another—and I do not doubt that the reasons were wise and good—the government took upon itself to relieve a number of the municipalities, either of paying any proportion of the cost, or of reducing the amount to be paid by them, for different reasons. But there are in the statute no rules at all for the guidance of the government, and one municipality may consider that they are as much entitled as another municipality to be relieved from paying the costs of calling out the militia, although the circumstances might be entirely different. It seems to me it would be easy to amend the Bill introduced by my hon. friend to provide that the liability of the municipality would be restricted to cases where the riot has, according to the decision of the government, originated within the municipality. If it has not originated with the municipality, they should not be held responsible for any portion of the cost.

Hon. Mr. CLORAN—Does the hon. member mean originated within the municipality, by people in the municipality or by strangers?

Hon. Mr. BEIQUE—It makes no difference, because the municipality is responsible for the good behaviour, not only of its citizens, but of all the people who are within its limits.

Hon. Mr. McMULLEN moved that the debate be adjourned until Wednesday next.

The motion was agreed to.

## PRINTING OF COLONIAL CONFERENCE PAPERS.

Hon. Mr. ELLIS—On the 18th of this month, in another place, the Premier laid before the House the papers connected with the Colonial Conference, and there was an order of the House to print them forthwith, the rules being suspended for that purpose. They are not printed yet.

Hon. Mr. SCOTT—I will make some inquiry.

## COPIES OF RULES OF HOUSE OF COMMONS.

Hon. Mr. LANDRY—Did the hon. Secretary of State think about providing us with the rules of the House of Commons?

Hon. Mr. SCOTT—Yes, I did.

## REPORT OF INSURANCE COMMISSION.

Hon. Mr. LANDRY—I suppose we might get copies of the report of the Insurance Commission? Is it printed yet?

Hon. Mr. SCOTT—No; it only went down to the Bureau yesterday. It is rather voluminous, and it will take a few days to print.

Hon. Mr. LANDRY—Will it be printed before the French version of the Revised Statues is printed?

Hon. Mr. SCOTT—I hope so.

The Senate adjourned until 3 p.m. tomorrow.

## THE SENATE.

OTTAWA, Friday, March 1, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## CONTRACTS FOR SECTIONS OF EASTERN DIVISION NATIONAL TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON inquired :

1. What portions, stated in sections and miles, of the eastern division of the National Transcontinental Railway, have been placed under contract by the government from the 1st instant ?

2. What is the nature of the work embraced in the contract or contracts referred to, are they for grading, or does any of them include track-laying or ballasting, or all three operations ?

3. What will be the cost per mile of grading, track-laying and ballasting, stated separately, or all three operations combined, on each section of the said eastern division, embraced in the aforementioned contracts ?

4. What is the maximum grade of the sections of the said railway, embraced in the contracts referred to ?

5. Has the route of the said railway between Winnipeg and Quebec, or between Quebec and Moncton, been approved by the National Transcontinental Railway Commission or the government ?

6. If so, what is the length of railway between these points ?

7. Has the route of the western division of the said railway been approved as aforesaid ? If so, what is the length of the mountain and prairie sections, stated separately ?

Hon. Mr. SCOTT—No contracts have been awarded for any of the sections for the National Transcontinental Railway, referred to. I see that the press has made certain announcements in regard to the matter ; where they obtained the information I do not know. The contracts have not been awarded, so that questions 2, 3 and 4 would be answered by No. 1. The answers to the remaining questions are as follows :

5. The route approved between Winnipeg and Quebec, as follows : District 'B' 195 miles, districts 'C' and 'D' 150 miles ; between Quebec and Moncton, as follows : 50 miles from Moncton, westward ; 62 miles from Grand Falls to Quebec boundary ; from Quebec bridge, eastward, 150 miles, by order in concil, dated 22nd December, 1906.

6. The distance between Winnipeg and Quebec is 1,358·76 miles ; between Quebec and Moncton, 495·25.

7. The route map has been approved, but the dividing line between the prairie section and the mountain section has not been determined.

Hon. Mr. FERGUSON—Then we could get the total mileage of both, without stating it separately ?

Hon. Mr. SCOTT—I fancy we will have them awarded next week, and my hon. friend will be able to obtain the information the moment the contracts are awarded.

Hon. Mr. FERGUSON—But whether the contracts have been awarded or not, could we not get the total distance from the coast to Winnipeg?

Hon. Mr. SCOTT—They have not given it to me. I will procure it for the hon. gentleman.

Hon. Mr. FERGUSON—Yes, for the next sitting of the House.

## COST OF CONSTRUCTION OF OTTAWA POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. How much did the first construction and the fitting up of the Ottawa post office cost, before the burning of that building ?

2. How much have the repairs, the additions since the fire, and the fitting up, of the new post office, cost ?

3. How much is it estimated that it will be necessary to expend in order to finish completely the repairs and the fitting up of the present post office ?

Hon. Mr. SCOTT—I had the answer to this inquiry among my papers, but it has been mislaid. However, I remember closely enough to give my hon. friend the information. The repairs cost about $202,000 and it will take about $2,000 more to finish them. That is my recollection of the answer, but if there is any error in my figures I can correct it.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman say when it will probably be completed ?

Hon. Mr. SCOTT—I could not undertake to say.

Hon. Mr. LANDRY—Will it be completed before the election ?

THIRD READINGS.

Bill (S) An Act respecting the Accident and Guarantee Company of Canada, and to change its name to the Royal Accident and Guarantee Company of Canada.—(Hon. Mr. David.)

Bill (29) An Act to incorporate the National Accident and Guarantee Company of Canada, as amended.—(Hon. Mr. Coffey.)

Bill (53) An Act respecting the Dominion Fire Insurance Company, as amended.—(Hon. Mr. Bostock.)

Bill (65) An Act respecting the Annuity Company of Canada.—(Hon. Mr. Young.)

Bill (O) An Act to incorporate the United Baptist Woman's Missionary Union of the Maritime Provinces.—(Hon. Mr. Baird.)

Bill (V) An Act respecting the Témiscouata Railway Company.—(Hon. Mr. Tessier.)

Bill (56) An Act to incorporate the Quinze and Blanche River Railway Company.—(Hon. Mr. Watson.)

BILLS INTRODUCED.

Bill (KK) An Act to incorporate the Abitibi and Hudson Bay Railway Company.—(Hon. Mr. Young.)

Bill (LL) An Act respecting the Canadian Northern Railway.—(Hon. Mr. Young.)

Bill (MM) An Act respecting the Hamilton Electric Company.—(Hon. Mr. Gibson.)

ELECTRICITY INSPECTION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (P) An Act respecting the Inspection of Electricity.

(In the Committee.)

Hon. Mr. SCOTT—There has been on the statute-book since 1894, a statute entitled 'An Act respecting the Inspection of Electricity'. In the past it applied only to electric light. Now the proposition is that the Act be extended to include power, and the changes in this Bill are only in that direction. The changes are comparatively few, and I shall be glad to call attention to them as we proceed.

Hon. Mr. LOUGHEED—This is a consolidation of existing legislation ?

Hon. Mr. SCOTT—Yes, it makes no change except with reference to the inspection of power.

On clause 4,

4. Before commencing to give a supply of electrical energy to any purchaser, the contractor shall declare to such purchaser the constant pressure at which he proposes to supply energy at the purchaser's terminals.

2. The variation of pressure at any purchaser's terminals shall not under any conditions of the supply which the purchaser is entitled to receive, nor at any time, exceed three per cent from the declared constant pressure, whether such variation is due to the resistance of the service lines or apparatus belonging to the contractor, or to any action or effect produced by such apparatus, for which the purchaser cannot be shown to be responsible, or partly to a variation of pressure in the distributing mains from which the supply is taken.

3. The contractor shall not be liable for any variation of pressure caused by unavoidable accident to the generating plant or apparatus, or by the uncontrollable condition of the elements.

Hon. Mr. LOUGHEED—There is just a question in my mind if subclause 3 is not trenching on the provincial domain.

Hon. Mr. SCOTT—The department has control of the inspection, and if there are any penalties for error they ought to be allowed to enforce them.

Hon. Mr. LOUGHEED—I apprehend that this parliament could relieve a contractor of any liability to penalty imposed by this parliament for contravention of the Act ; but clearly this parliament would not relieve a contractor from liability, or damage, or accident that might arise through his negligence, and I say that paragraph 3 of the clause goes as far as that.

Hon. Mr. SCOTT—It is an incident of the British North America Act, that where a subject is under the jurisdiction of the parliament of Canada, then all the incidents naturally flowing from it become part. I think this has been decided in a case that went to the Privy Council in connection with the Railway Act.

Hon. Mr. LOUGHEED—But this is not an incident of inspection. As I understand, this Bill is being passed in pursuance of the British North America Act, by which parliament may legislate as to weights and measures. This legislation is for the measurement of electricity. Now, when parliament goes beyond that, it infringes on the domain

of the province as far as property and civil rights are concerned, and this parliament certainly cannot relieve a contractor of damage that may arise through his negligence owing to the variation of pressure he may apply to a plant which he is controlling.

Hon. Mr. SCOTT—It may be quite correct that it is so. I would not be prepared to dispute the point, but whether it is desirable that we should, of our own mere motion, strike it out, is another question. I think it would be better to leave it there.

Hon. Mr. BEIQUE—I think it might be well to call the attenion of the Minister of Justice to that clause and the following clause, which goes very far in the same direction.

Hon. Mr. SCOTT—It is suggested that we should hold that clause and the following clauses, to permit the Minister of Justice to pass upon it. Then subclause 3 of clause 4 will be allowed to stand.

The remaining subclauses were adopted.

On clause 11,

11. Any person may, after examination as to his qualification, be appointed and may act as an inspector under this Act.

2. No inspector shall be a seller of electricity or electric meters, or be employed by any person or company supplying electricity or meters.

3. No inspector shall repair or adjust any meter inspected or verified by him.

Hon. Mr. SCOTT—The changes in this clause are verbal. The sense is the same.

Hon. Mr. LOUGHEED—The difficulty I see is that there is no standard of qualification for an inspector who may be appointed. I might say to my hon. friend, that the present inspectors are simply gas inspectors. How many inspectors have the government at the present time throughout the Dominion ?

Hon. Mr. SCOTT—I cannot say. It is defective in that respect. We have had gas inspectors who were not educated up to the standard, acting as electrical inspectors, and it is a very serious matter. Electricity has come into use so rapidly, so universally, and so much in advance of the officers who are capable of inspecting, that it is difficult to obtain proper inspection. That is one of the troubles the department has experienced.

Hon. Mr. LOUGHEED.

Hon. Mr. LOUGHEED—There are several universities and technical colleges throughout the Dominion giving thorough courses in electricity, and, certainly a sufficient number of students or graduates would be obtainable to act in that capacity.

Hon. Mr. SCOTT—There will be in six months from now. I know of different cases where men are assuming to act as inspectors of electricity who know nothing about it. They have been appointed to inspect the lighting by gas throughout the Dominion under the Inspection Act. It seems to me this clause should be so amended as to require the qualification of an inspector to be that of a duly qualified electrician.

Hon. Sir MACKENZIE BOWELL—There is no doubt force in the remarks of the hon. leader of the opposition. There are some inspectors who are gas inspectors and who are capital officers. I ascertained that from inquiry some time ago ; but there are other gas inspectors who know nothing whatever about electricity, and power should be given to the superintendent, who has the recommendation to the government to appoint these people, to select such men as are capable of performing the duties, and we know, as far as Ontario is concerned, there are many of them who are not.

Hon. Mr. SCOTT—That is one of the weaknesses of the Act.

Hon. Mr. LOUGHEED—Better reserve that clause.

Hon. Mr. SCOTT—The department feel that they are unable to appoint proper inspectors, and they are loath to appoint men unless they have passed proper examination. You can get them in Montreal and Toronto.

Hon. Mr. LOUGHEED—It is difficult to conceive that from 6,000,000 of people in Canada a sufficient number of inspectors cannot be secured to act.

Hon. Mr. POWER—If the hon. gentleman looks at clause 11, he will see that it is not so wonderful. It says :

No inspector shall be a seller of electricity or electrical meters, or be employed by any person or company supplying electricity or meters.

So that the class which is eligible to be inspectors is not so large.

Hon. Mr. SCOTT—I am told by the head of the branch in the department that they propose to endeavour to get young men from the universities and colleges who have taken a course in electricity to act as inspectors.

Hon. Mr. SULLIVAN—They do not want a course. They can learn any place where there is an electric plant. I do not think the government pay them enough to secure that class.

Hon. Mr. SCOTT—They should be competent persons. The department will endeavour to secure competent men, and will not allow any inspectors to be appointed hereafter unless they are competent.

Hon. Mr. SULLIVAN—If the department would lay down the qualifications they would require for a good inspector, men could study to qualify for the position.

Hon. Mr. LOUGHEED—My hon. friend very well knows that unless a specific qualification is provided for in the Act that the political influence which will be brought to bear upon the minister, or the government, to appoint incompetent men will be such that invariably they will be appointed; and it seems to me very much more desirable in the public interest, and in the interest of the government, that there should be a qualification mentioned. I should prefer that this clause be allowed to stand until my hon. friend has made further inquiry into it.

Hon. Mr. SCOTT—The minister is duly impressed with the necessity of not allowing incompetent persons to have anything to do with such a destructive agency as elecfricity. From day to day men are dropping off the poles. Yesterday, in this city, a man on top of a pole was stricken cold in death. People passing saw that he was not moving, and some one went up to him and found him dead. Part of his thumb had touched the live wire, and that was the end of him. The department fully appreciates the dangers of the position, and they are endeavouring to cope with the difficulty.

Hon. Mr. LOUGHEED—The anxiety of the minister may be very great, but it is not commensurate with the action he has taken in insuring proper inspection. This kind of thing is brought to one's notice every day; accidents happen for want of proper inspection. This is the reason I feel rather critical upon this particular subject. Can my hon. friend say whether the government has recognized certain meters as standards or whether any meter is adopted for this purpose?

Hon. Mr. SCOTT—All new styles of meters have to be submitted to the department for approval before being put on the market.

The clause was allowed to stand.

On clause 18,

18. No meter duly stamped as aforesaid shall be liable to be re-verified or re-stamped within a period of five years from the then last verification or re-verication thereof, although it is used in any other place than that at which it was originally stamped, but shall be considered as a lawful meter throughout Canada, unless found incorrect under this Act, or requiring re-verification by lapse of time as aforesaid.

Hon. Mr. LOUGHEED—May I ask how the department satisfies itself that a meter is good for five years?

Hon. Mr. SCOTT—The term of five years is taken from experience with gas meters and experience in other countries. There is a provision later on which allows either party to have a meter verified at any time by paying a small fee.

The clause was adopted.

On the last clause,

Hon. Mr. LOUGHEED—Has the department ever considered the expediency of taking to itself the power to inspect electric wires? True, it might not come under the exercise of the powers regarding weights and measures, but it may come under the power to legislate for the public health and safety, which can be exercised by the government. The provinces have been lamentably remiss in passing legislation upon this subject. We find that accidents happen every day, and it seems unfortunate that where an elaborate system of inspection is established for one part of the system, it should not be comprehensive enough to extend to the whole.

Hon. Mr. SCOTT—The same thought has occurred to me, and I drew the attention of the expert to it, but he did not see how

it could be remedied. I shall call the attention of the minister to the point, because it is serious, so many deaths are due to that cause.

The clause was adopted.

Hon. Mr. BERNIER, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

## INTERCOLONIAL RAILWAY AND GRAND TRUNK RAILWAY AGREEMENT BILL.

POSTPONED.

The Order of the Day being called :

House again in Committee of the Whole on (Bill 50) An Act to amend an Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal.—Hon. Mr. Scott.

Hon. Mr. SCOTT moved that the order be discharged, and that it be fixed for Wednesday next.

Hon. Mr. LOUGHEED—Has my hon. friend been able to secure the original contract?

Hon. Mr. SCOTT—Yes ; but I forgot to bring it with me. I may say, however, that the hon. gentleman is quite correct ; there are the mistakes that have been named.

Hon. Mr. LOUGHEED—They are not typographical errors?

Hon. Mr. SCOTT—No ; the mistakes occurred in copying one from the other.

Hon. Mr. LOUGHEED—The agreement in the statute must have been the draft agreement, and there must have been a revised agreement, and those substantial changes cannot be regarded as merely typographical. It is an entirely different contract.

Hon. Mr. SCOTT—The Act was not drawn from a corrected copy of the agreement. The correct copy is in the Secretary of State's office—the binding one, the legal one.

Hon. Mr. LOUGHEED—The agreement which the government now regards as the agreement in force is not the draft agreement?

Hon. Mr. SCOTT—I did not look at the date of the agreement. However, it is quite correct now as it is.

The motion was agreed to.

## GREAT WEST RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. De VEBER moved the second reading of Bill (79) An Act respecting the Great West Railway Company.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain what the intention of this Bill is ? Where does the Great West Railway commence, and where does it end ?

Hon. Mr. De VEBER—If the hon. gentleman wishes to learn the geography of the district in which this proposed road is to be located, he might appear before the committee, where a map will be furnished, and the parties interested would be better able to explain the Bill. I am afraid if I attempted to do so now, the explanation would not be very lucid. Three or four different railways will be located. One branch will run towards Calgary, and another one to Cowley, and another one on this side of the mountain. It will run through the gap and meet another road running down to the coal regions. The road will commence at Cowley, on this side of the mountain. It would be easily explained if we had a map before us, but very hard without a map.

The motion was agreed to.

## WESTERN RIVERS IMPROVEMENT COMPANY BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading (Bill 58) An Act to incorporate the Western Improvement Company.—Hon. Mr. Watson.

Hon. Mr. YOUNG—In the absence of the hon. gentleman who has charge of this Bill I beg to move that the order of the day be discharged and placed on the orders of the day for Tuesday next.

Hon. Mr. SCOTT—I may infrom the House, that I have received a telegram from

Revelstoke, signed by F. J. Gallespie, which reads as follows :—

Kindly hold Bill Western Rivers Improvement Company until arrival of Mr. McCormick and oblige.

F. J. GALLESPIE.

Hon. Mr. YOUNG—There have been telegrams about it, and I will postpone the order of the day until Wednesday next with the permission of the House, and if the parties interested have not arrived we will postpone it further. There is no rush in regard to a Bill which has gone through the Commons, and is simply waiting to pass the Senate.

The motion was agreed to.

## BURRARD, WESTMINSTER BOUNDARY RAILWAY AND NAVIGATION COMPANY BILL.

SECOND READING POSTPONED.

The order of the day being called :

Second reading (Bill 71) An Act to incorporate the Burrard, Westminster and Boundary Railway and Navigation Company.—Hon. Mr. Riley.

Hon. Mr. BOSTOCK—I move that the order of the day be discharged and that it be placed on the orders for Tuesday next.

Hon. Sir MACKENZIE BOWELL—I should like to call attention to the fact that this is purely a provincial road, clearly within the legislative powers of the province of British Columbia. I am not going to oppose the motion to discharge the order of the day, nor would I oppose the motion for going into committee ; but I merely want to call the attention of the hon. gentleman to the fact that it is purely provincial and very local at that.

The motion was agreed to.

## CANADIAN MUSICAL AND DRAMATIC ASSOCIATION BILL.

CONSIDERATION OF AMENDMENTS POSTPONED.

The order of the day being called :

Consideration of the amendments made by the Standing Committee on Miscellaneous Private Bills to (Bill I) An Act to incorporate the Canadian Musical and Dramatic Association, Limited.—Hon. Mr. Roy.

Hon. Mr. ROY—I move that the House concur in the amendments.

Hon. Mr. SCOTT—I have to call the attention of the House to this Bill, which is exceedingly misleading in its title. It is proposed to incorporate the Canadian Musical and Dramatic Association, that is the innocent part of the Bill. The part of the Bill which condemns it is in the subsequent clauses. I must ask my hon. friend to let it stand until we have a full House.

Hon. Mr. ROY—Then I move that the order of the day be discharged and that it be placed on the orders of the day for Wednesday next.

Motion agreed to.

## SECOND READINGS.

Bill (80) An Act to incorporate the Prudential Savings Society.—(Hon. Mr. Watson.)

Bill (54) An Act to incorporate the Edmonton, Dunvegan and British Columbia Railway Company.—(Hon. Mr. Bostock.)

The Senate adjourned until Tuesday next at 8 p.m.

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# SENATE.

OTTAWA, Tuesday, March 5, 1907.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

## APPOINTMENT OF TELEPHONE AND TELEGRAPHIC COMMISSIONER.

MOTION POSTPONED.

Notice of motion being called :

That in the public interest the government should appoint an expert officer in connection with the Board of Railway Commissioners of Canada, to be called a Telephone and Telegraph Commissioner, whose duties shall be to have full control, as regards construction, location, maintenance and operation of all telegraph and telephone lines in Canada.

Hon. Mr. DAVIS—Stand.

Hon. Mr. SCOTT—This motion has been on the order paper since the 22nd of January.

Hon. Mr. DAVIS—I might say with reference to that motion, I am waiting for some data from the west, which I expect to obtain on Thursday.

Hon. Mr. SCOTT—In a case of that kind it would be better to drop the motion from the order paper, and place it on the orders at some future day. One is kept watching the motion and gets prepared for it, and then when it is postponed forgets all about it.

The motion was allowed to stand.

## CONTRACTS FOR SECTIONS OF EASTERN DIVISION OF NATIONAL TRANSCONTINENTAL RAILWAY.

### INQUIRY POSTPONED.

The notice of inquiry being called :

1. What portions, stated in sections and miles, of the eastern division of the National Transcontinental Railway, have been placed under contract by the government from the 1st instant ?
2. What is the nature of the work embraced in the contract or contracts referred to, are they for grading, or does any of them include track-laying or ballasting, or all three operations ?
3. What will be the cost per mile of grading, track-laying and ballasting, stated separately, or all three operations combined, on each section of the said eastern division, embraced in the aforementioned contracts ?
4. What is the maximum grade of the sections of the said railway, embraced in the contracts referred to ?
5. Has the route of the said railway between Winnipeg and Quebec, or between Quebec and Moncton, been approved by the National Transcontinental Railway Commission or the government ?
6. If so, what is the length of railway between these points ?
7. Has the route of the western division of the said railway been approved as aforesaid ? If so, what is the length of the mountain and prairie sections, stated separately ?

Hon. Mr. FERGUSON—Two of these questions have already been answered.

Hon. Mr. SCOTT—All except one, I think. My hon. friend asked the distance from Winnipeg or Edmonton to the Pacific coast. I have been unable to obtain that. The Grand Trunk people could not give it.

Hon. Mr. FERGUSON—The hon. gentleman will be able to get the information later on.

Hon. Mr. SCOTT—They telegraphed to headquarters at Montreal, but they could not obtain the information there.

Hon. Mr. FERGUSON—The first three questions are not answered, for the reason that the contract has not been awarded yet, although the papers say it was. I would suggest that items 4 and 5 should be struck out, and allow the remainder of the inquiries to stand as amended, say until Thursday next, and if the hon. gentleman is not then ready to give me the information, there will be a further postponement.

Hon. Mr. SCOTT—I gave my hon. friend the length of the eastern division.

Hon. Mr. FERGUSON—Yes. With the permision of the House 4 and 5 will be struck out, and the remainder of the notice will stand until Thursday next.

The notice, as amended, was allowed to stand.

## THIRD READINGS.

Bill (L) An Act respecting the Trader's Fire Insurance Company.—(Hon. Mr. McSweeney.)

Bill (30) An Act to incorporate the Women's Art Association of Canada, as amended.—(Hon. Mr. Kerr.)

## DOMINION LANDS SURVEY BILL.

### SECOND READING.

Hon. Mr. SCOTT moved second reading of Bill (59) An Act respecting the surveys of the public lands of the Dominion and the surveyors entitled to make such surveys.

He said : The object of this Bill is to extract from the Dominion Lands Act those portions of it that refer to surveys and surveyors. There is nothing especially new in the measure, as the Bill is the result of long years of amendments from time to time. It is for the purpose of separating from the Dominion Lands Act proper, all the laws relating to surveys and surveyors and have them in one measure. I have in my hand here the Bill with notes which will enable the committee to call attention to any changes made in the law as it stands at present ; but I am advised that the changes are very few, and that none are of very great importance.

Hon. Mr. FERGUSON—Does the Dominion Lands Act, as consolidated and as it appears in the Revised Statutes, contain these provisions with regard to surveys ?

Hon. Mr. SCOTT—Oh, yes, but we are now separating them. There is before the other Chamber a new Bill consolidating

the Dominion Lands Act and excluding those, so there are practically two Bills, one for the lands and the other for surveys and surveyors ; but so far as the latter is concerned no material change is made.

Hon. Mr. FERGUSON—Then we shall have in the legislation of this year two complete and separate laws, one dealing with the lands, and the other with the survey and surveyors.

Hon. Mr. SCOTT—Yes.

The motion was agreed to, and the Bill was read the second time.

## SECOND READINGS.

Bill (78) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young.)

Bill (28) An Act to incorporate the Residential Fire Insurance Company.—(Hon. Mr. Sullivan.)

Bill (15) An Act respecting the Joliette and Brandon Railway Company.—(Hon. Mr. Thibaudeau, de la Vallière.)

Bill (71) An Act to incorporate the Burrard, Westminster and Boundary Railway and Navigation Company. — (Hon. Mr. Riley.)

## MANITOBA RADIAL RAILWAY COMPANY BILL.

### SECOND READING.

Hon. Mr. YOUNG (in the absence of Hon. Mr. Watson) moved the second reading of Bill (40) An Act to incorporate the Manitoba Radial Railway Company.

Hon. Mr. DAVIS—I should like to have a little explanation of this Bill.

Hon. Mr. YOUNG—Would my hon friend permit the explanation to be given in committee ?

Hon. Mr. DAVIS—The only time we can get an explanation of a Bill is on the second reading. We are not all members of the Railway Committee, and those of us who are not on the committee do not know anything about what takes place in the committee.

Hon. Mr. YOUNG—Would the hon. gentleman indicate what information he desires, so that I can obtain it for him and have the order of the day discharged and placed on the orders for to-morrow.

Hon. Mr. DAVIS—I want a general explanation of the Bill. It seems to me this should be a matter of local concern.

Hon. Mr. YOUNG—The explanation of the Bill is to be found in the measure itself. It is a Bill to incorporate a railway company. The names of the incorporators are given, and the object for which the Act of incorporation is sought, and it states that a line of railway will be constructed from a point at or near the city of Winnipeg, in the province of Manitoba, westerly and northerly to a point at or near Clandeboye Bay, on the shore of Lake Manitoba, and thence in a northerly direction to a point at or near the post office of Lundar, in the said province, and thence northerly to a point on the shore of Lake Winnipeg, near Grand Rapids, in the district of Keewatin ; and may construct and operate a branch line from a point on the main line near Winnipeg northerly through the town of Stonewall, and thence in a northwesterly direction to Lake Francis, in the province of Manitoba. This is the proposed line which the company are asking to be incorporated to build. The other provisions in the Bill are the usual provisions to be found in charters of a similar character. That is all the information I can give my hon. friend.

Hon. Mr. DAVIS—It looks to me very much like a Bill that should come under the local jurisdiction.

Hon. Mr. YOUNG—It goes beyond the boundary of the province, into Keewatin.

Hon. Mr. WILSON—I think the request made by the hon. gentleman from Prince Albert, to have an explanation of this Bill, is not unreasonable. He thinks it is a provincial matter. If it be a provincial matter, we ought not to encroach on the rights of the province ; if it be not a provincial matter, then we should have a full explanation to show that the Bill is one of the ordinary charters granted by parliament. We have railroad Bills constantly before us that should be subject to the jurisdiction of the provinces and not subject to the jurisdiction of the federal parliament. We are not worked so hard just now. We can dispose

of 20 or 30 orders in a very short time, and I think that we should have a full explanation on the second reading of any Bill if we do not understand what it really purports to be. My hon. friend is simply asking what is proper, and is strictly within his right.

Hon. Mr. FERGUSON—It does seem to me that this railway is a provincial enterprise. It is true that one branch of this proposed railway is described as going into the territory of Keewatin, but it is the easiest thing in the world to put that into the Bill in order to make it interprovincial in its character. I think the promoters of the Bill must have had some doubts about it themselves when they inserted the declaration that the project was for the general advantage of Canada. They could not have contemplated going beyond the province of Manitoba, or they would not have found it necessary to insert this declaration. It is purely an electric railway. Its name indicates that it is a radial road, and it is very doubtful in my mind whether it is anything more than an electric tramway. I would not be very positive, in the case of a province like Manitoba, which I understand has no Department of Railways like the province of Ontario, whether they are equipped for managing railway interests.

Hon. Mr. YOUNG—They have a Commissioner of Railways.

Hon. Mr. FERGUSON—It seems to me this is a road that might be left to provincial jurisdiction. However, we can go into that in committee.

Hon. Mr. POWER—I would suggest to my hon. friend from Marshfield that possibly the promoters of this Bill anticipate the extension of the boundaries of Manitoba to the waters of Hudson bay.

The motion was agreed to, and the Bill was read a second time.

## BILLS INTRODUCED.

Bill (NN) An Act for the relief of George William Hadley.—(Hon. Mr. Perley.)

Bill (OO) An Act to incorporate the Collingwood and Southern Railway Company. —(Hon. Mr. McMullen.)

Bill (PP) An Act to incorporate the Live Stock Insurance Company of Canada, Limited.—(Hon. Mr. David.)

Bill (27) An Act respecting the Banque Nationale.—(Hon. Mr. Bolduc.)

Bill (31) An Act to incorporate the Northwest Trust Company.—(Hon. Mr. Lougheed.)

Bill (63) An Act to incorporate the Protective Association of Canada.—(Hon. Mr. Mitchell.)

Bill (73) An Act respecting Patents of the International Paper Company.—(Hon. Mr. Watson.)

## THE AGREEMENT WITH THE GRAND TRUNK RAILWAY COMPANY.

Hon. Mr. LOUGHEED—Before the House adjourns, may I ask my hon. friend the leader of the government if he is prepared to lay on the table the agreement between the government and the Grand Trunk Railway Company dealt with in Bill (No. 50), which is on the order paper for to-morrow ? I may point out that if it is not placed on the table until we again go into Committee of the Whole, it will be impossible to peruse the agreement and compare it with the Bill.

Hon. Mr. SCOTT—It is filed in the office. I do not know whether I am justified in bringing it here ; however, it can be returned.

Hon. Mr. LOUGHEED—If my hon. friend will bring down a copy, it will be sufficient.

Hon. Mr. SCOTT—I had it all carefully examined, and I find that there are a great many other mistakes. However, I am only disposed to correct the mistakes referred to in the Bill. They are clerical mistakes and not important. I have had the paragraphs referred to copied, but I can bring the whole agreement here.

Hon. Mr. LOUGHEED—It seems extraordinary that a very important Bill of this character, involving an expenditure of many hundreds of thousands of dollars, should contain so many material mistakes. If they were mere typographical errors, one could understand it ; but this Bill proposes to depart very radically from the original agreement, practically making a new agreement.

Hon. Mr. SCOTT—Oh, no. It is a very long document. I had it all carefully examined, and was told there were other errors

besides the particular ones referred to in this Bill. I had the sections in which those errors occurred copied in full, but I can bring the original here to-morrow. The Bill is all right—the statements made in it are quite correct. I was looking up the history of it. It seems to have been sent to the Department of Railways. It ought to have been sent, in the first instance, to the Department of State. However, it was sent to the Railways Department and it was a couple of years afterwards before it reached the Department of State and was registered there.

Hon. Mr. LOUGHEED—Can my hon. friend explain why the Grand Trunk Railway came to overlook so important a matter ?

Hon. Mr. SCOTT—There is only one error in it of very great importance. The others are merely verbal.

Hon. Mr. LOUGHEED—Judging from the Bill there are several.

Hon. Mr. SCOTT—Three I think, but only one is important.

Hon. Mr. LOUGHEED—Will my hon. friend bring down any information he can get relating to the litigation referred to in the Bill? He will observe that there is a clause of the Bill dealing with litigation. The House should have the fullest possible information regarding that litigation, and the effect of the passage of the Bill upon any litigation which may be pending.

Hon. Mr. FERGUSON—One amendment is to give force and effect to a certain map. We did not see that map when the original Bill went through, and we would not have thought it so necessary to see it then, because there was not that force given to the map that is proposed to be given to it by the amendment now before us. I think it is necessary that we should see that map.

Hon. Mr. SCOTT—I do not really know what my hon. friend is referring to.

Hon. Mr. FERGUSON—One of the amendments proposes to insert the word 'as' after the word 'all' in one of the paragraphs. That amendment will give force and effect to a map which it did not possess before and, therefore, we ought to see that map.

Hon. Mr. SCOTT—Surely if the legislation proposed is to copy exactly the original document, the House cannot take exception to it. It is to correct the error between the print of three years ago, as it appears in the statute, and the original document on file. The object of this amendment is to insert the very words that are in the original agreement, so it is all in the right direction.

Hon. Mr. FERGUSON—I think parliament should hesitate before passing this amendment unless the map was produced, because parliament would not know what it was doing. As it stood, it was only a declaration that certain things were delineated on the map, but now we propose to say they shall be as delineated on the map, giving them the force and effect of law.

The Senate adjourned until to-morrow at three o'clock p.m.

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## SENATE.

OTTAWA, Wednesday, March 6, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### NOTICE OF MOTION.

Hon. Mr. DAVID—I give notice that, to-morrow, I shall move the six months hoist in regard to three of the Bills reported from the Committee on Railways, Telegraphs and Harbours, which are clearly provincial in their character.

Hon. Mr. SCOTT—I think the hon. gentleman must define the Bills he refers to.

Hon. Mr. DAVID—I am not bound to give notice. I can move the six months hoist without notice.

Hon. Mr. SCOTT—It is just as well to give notice.

Hon. Mr. POWER—I do not think it is in the power of a member to move the six months hoist to a private Bill without giving notice of his intention to do so.

Hon. Mr. LANDRY—And I give notice that to-morrow I shall move an amendment to the Bill to which I objected in committee this morning.

## BILL INTRODUCED.

Bill (QQ) An Act for the relief of Celina Kingan Ansley.—(Hon. Mr. McMullen.)

## REPORTS OF GOVERNMENT OFFICERS REGARDING OLD AGE PENSIONS.

### MOTION.

The order of the day being called :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency may cause to be laid on the table of the Senate, all correspondence between the government of Canada or any member thereof with any person whatsoever, and any report from any officer of the government regarding the question of pensions by the state to deserving persons of advanced age, and also a copy of a Bill referred to by the right honourable the Minister of Trade and Commerce during a speech made by him in the Senate on the 28th February last, dealing with the sale of annuities by the government of Canada.

Hon. Mr. FERGUSON—My motion has not matured, the two days notice not having been given; but as I obsèrve my hon. friend from Wellington has a notice on the paper for to-morrow which will cover the same ground, with the exception that my notice of motion calls for laying on the table of a Bill referred to by my hon. friend the right hon. Minister of Trade and Commerce, I think it would be very convenient if we could have that Bill in our possession when the debate takes place. If that view is concurred in, my motion might be allowed to pass in order to make the tabling of that Bill perfectly regular ; and then my hon. friend's motion could come on later for the purpose of discussion when we had that Bill before us. If my hon. friend from Halifax would waive his objection to my motion on the ground of insufficient notice, it might be allowed to go through without discussion, and we would have this Bill before us when we consider the matter again.

Hon. Sir RICHARD CARTWRIGHT—Very well. My hon. friend can make his motion and I will lay the papers on the table.

The motion was agreed to.

Hon. Mr. POWER.

Hon. Sir RICHARD CARTWRIGHT—I now lay the document on the table for the information of the House. The hon. gentleman will bear in mind that this is merely a draft.

## THE ROSS RIFLE.

### INQUIRY.

The notice of motion being called :

1. How many rifles has the Ross Rifle Company manufactured, from the time it commenced the performance of its contract with the government up to the 1st of March instant—

(a) Of mark No. I.; (b) of mark No. II ; (c) of mark No. III.?

2. How many of all these rifles has the government accepted after inspection thereof—

(a) Of mark No. I.; (b) of mark No. II. ; (c) of mark No. III.?

3. How much, up to the 1st of March instant, has the government given as payment in full for rifles—

(a) Of mark No. I.; (b) of mark No. II.; (c) of mark No. III.?

4. What is the amount paid in advance for rifles in course of manufacture but not yet finished or not yet accepted on that date, the 1st of March instant ?

5. How many rifles belong to the latter category and of what mark are they ?

6. Out of the rifles accepted by the government and wholly paid for by it, how many of each mark have been distributed, and how many of them remain in the military stores ?

7. At what places have the rifles been stored which have not been distributed ?

8. To whom have been given or sold the rifles that have been distributed ? What is the number, of each mark, thus given or sold? What regiments, rifle associations, bodies or individuals whosoever, are now furnished with the Ross rifle, and in what quantity has it been distributed to them ?

9. In what respect is the mark No. II. essentially or especially different from the mark No. I.?

10. In what does mark No. III. differ from the two preceding ?

11. How many rifles of mark No. II. have been substituted for rifles of mark No. I., after a regular distribution of the latter ?

12. Were the rifles of mark No. I. convertible, and have they been converted into rifles of mark No. II.?

13. Will the improvements recently brought about in the rifle of mark No. II., in order to make out of it the rifle of mark No. III., be extended to all the rifles of mark No. II. and to all the rifles of mark No. I.?

14. If the improvements brought about in the Ross rifle cannot be adapted to rifles previously manufactured by the company and accepted by the government, what use does the government intend to make of an arm comparatively inferior ?

15. What, on an average, is the proportion of rifles set aside on first inspection by the government ?

16. Out of these rifles rejected on first inspection, what is afterwards, on the average, the proportion of those which a second inspection allows the government to accept ?

17. Has the government concluded a contract with the Ross Rifle Company for the manufacture of a bayonet for this rifle? When, at what price, and for what quantity?

Hon. Mr. LANDRY—Is the hon. gentleman ready to answer this inquiry?

Hon. Mr. SCOTT—The minister informs me that a return has been called for by the House of Commons for practically the same information that is asked for in the 17 questions the hon. gentleman is putting, and he asks me to allow this to stand until that report comes down, when a copy of it will be presented to this House. It is scarcely proper to ask 17 questions on one subject. It is usual in cases of that kind, where it involves a very large amount of papers to refer to, that it should be in the form of an address. Probably the answer to the address of the House of Commons will cover the hon. gentleman's point. Sir Frederick Borden informs me that it will be down in a few days.

Hon. Mr. LANDRY—I do not know that the hon. gentleman is quite right in saying that it is not proper to ask 17 questions on any subject; perhaps he thinks it would be proper if the notice contained an even number of questions. I am willing to wait, because I think the information which I am asking for by this inquiry cannot be all covered by the return which the hon Secretary of State says we will receive in a few days. My motion includes information up to the 1st of March. I gave it about 15 days in advance, in order that the Department of Militia might have time to select from the proper source the answers to the questions I ask; but I am ready to wait another fortnight if it will please my hon. friend. I want correct information, and if in the return to be laid on the table of this House there is anything lacking, I shall make the inquiry again.

Hon. Mr. SCOTT—I gave my hon. friend the answer furnished me by the Minister of Militia. He said he thought the hon. gentleman would be satisfied with all the information they could afford; they were bringing down all that could be presented in the form of an address, and a duplicate will be presented here when it is ready.

Hon. Mr. LANDRY—Then I am willing to let this stand until Thursday of next week.

Hon. Mr. SCOTT—It may not be ready by that time. It may take ten days to have the return prepared. It is impossible for me to foreshadow when the return will be brought down.

Hon. Mr. LANDRY—If it is not ready by Thursday of next week, I shall be willing to let it stand again.

The notice was allowed to stand.

## ROYAL VICTORIA LIFE INSURANCE COMPANY BILL.

### THIRD READING POSTPONED.

Hon. Mr. CASGRAIN (in the absence of Hon. Mr. Forget) moved the third reading of Bill (37) An Act respecting the Royal Victoria Life Insurance Company.

Hon. Mr. McHUGH—I am in receipt of a telegram from the solicitor acting for several shareholders of the company, requesting me to have this Bill postponed until he has time to consult with the shareholders he represents. I regret having to do this, but I do not think the Bill is likely to be imperilled if it is allowed to stand for a few days. The shareholders will act prudently in the matter, and their request is simply for the purpose of safeguarding their interests. The telegram is from Mr. Stewart, a prominent lawyer in Lindsay, who is acting for some of the shareholders.

Hon. Mr. CASGRAIN—They have had ample opportunity to state their views before the committee of the House of Commons and the committee here. It is rather an unusual proceeding, but I have no objection to let the Bill stand.

Hon. Mr. McHUGH—If the third reading is deferred until Friday, that ought to give them all the time they want to state any objection they may have to the Bill. I am not asking this with a view of trying to defeat or delay the Bill. I am merely acting in good faith with the solicitor, at whose request I have asked that the matter be postponed until Friday.

Hon. Mr. LANDRY—If the hon. gentleman would write to the lawyer that he has done all that he possibly could to have the consideration of the Bill deferred, but it could not be done, the lawyer would be content and the hon. gentleman himself

would be satisfied. I do not see why the Bill before this Chamber should be delayed, simply because it pleases a lawyer in the town which my hon. friend represents. Why was he not here before the committee of both Houses? It is a private Bill. It has passed through six stages, and I do not see any reason why it should be longer delayed. No reason has been offered.

Hon. Mr. FERGUSON—My hon. friend has no doubt done his duty to the gentleman who has written him. but I agree with my hon. friend from de Lanaudière, and I do not think we should hold the Bill over. It passed the committee of both Houses. Special care was taken in our committee to send for the Superintendent of Insurance, and he explained the details of the Bill to the satisfaction of every hon. member. My hon. friend will be able to inform the lawyer that he has made the request.

Hon. Mr. MITCHELL—I do not think the hon. gentleman has asked for anything more than what is right. We have often delayed measures three or four days for very much less. He asks that this Bill be postponed until Friday, until he hears again from the solicitor. I do not see why the House could not grant the request. No good reason has been given why we should refuse.

Hon. Mr. LANDRY—It is not for us to give the reasons.

Hon. Mr. MITCHELL—The hon. gentleman from Stadacona has on many occasions retarded the progress of Bills, more than any other hon. gentleman in this House. My hon. friend from Lindsay asks that this Bill be postponed, and he has never himself obstructed Bills in this House.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to say that I have obstructed the Bills of this House, and I want him to retract that expression.

Hon. Mr. MITCHELL—If I have not made the statement in a proper way, I should like to put it in the way in which it should be made. If I have said it in a wrong manner then I will retract the expression.

The order of the day was allowed to stand until Friday.

## THIRD READING.

Bill (9) An Act respecting a patent of Edgar Webster Summers and Hadley Herbert Summers.—(Hon. Mr. McMullen.)

## MILITIA ACT AMENDMENT BILL.

### BILL WITHDRAWN.

The order of the day being called :

Resuming adjourned debate on the motion for the second reading (Bill T) An Act to amend the Militia Act as regards the calling out of the active militia in aid of the civil power.—Hon. Mr. McMullen.

Hon. Mr. McMULLEN—I listened with a great deal of interest to the discussion which took place on this Bill, especially the address of the hon. senator from Montreal. We have had an extended experience in connection with the calling out of the militia of Canada ever since the inception of the measure that provided for their being called out and utilized in the way in which they are when strikes occur. I admit that, in some cases, the expense may be rather heavy on towns and cities ; at the same time that will deter them from allowing a condition of things to prevail that would necessitate the calling out of the militia. It would not be prudent for us to alter the law at the present moment. It may be a great hardship upon a city that the interference of the militia with a condition of things that cannot be controlled by the local police or the peace organizations of the city, throws the expense of such intervention on the municipality. At the same time, I think it would be a step in the wrong direction if we should adopt the Bill which my hon. friend has proposed. It would open the way for a permanent corps being established by this Dominion that would be utilized specially to put a stop to strikes. The mayors and officials of the cities would virtually refuse to do anything, in the case of any controversy arising, knowing that they could fall back upon the militia, to preserve order or put down a riot. In all the cases where the militia has been called out in Canada, so far as I know, they have discharged their duties admirably. In Montreal, where there was an extensive strike, and the militia had to be called out to maintain order, the municipality was put to considerable expense. If the mayor of Montreal had fully and efficiently discharged his

duty, and added to his police force to put down the riot, as it should have been put down, the probabilities are that the expense would not have been incurred. The great trouble is that where any difficulty of this kind arises, mayors are very anxious to cultivate popularity with the very class, in many cases, that have to be dealt with. Of course, the popular vote of any city or town is looked after and coveted by officers of a municipality. The result is, they do not want to get into a tangle or get at cross purposes with those people. Their object is to cultivate their good wishes and to obtain their votes when the period comes around for the election of municipal officers. To do that, they allow the strikers very extended license. They do not handle riots and disturbances with that determination they should do in the interest of the municipality, and the result is sometimes serious. I am quite satisfied that were we to take the step in the direction indicated by my esteemed friend's Bill, we would increase very considerably the annual expenditure in connection with the Militia Department in keeping a force on active service virtually from January to January, and I question very much if one equipped regiment would be sufficient for the purpose. I dare say the Minister of Militia might, before very long, feel himself called upon to equip two or possibly more. For the last thirty years, things have got along very well. We have had no serious out-breaks, and no expense imposed upon a city or town that has become very burdensome to them. All the cities and towns in this Dominion know the terms upon which the militia can be called out and the inevitable result of what will follow when they have to be called out in case of strike. We do not want to have them called out if it can be avoided, and it should be avoided. The municipal organization should be able, and should make determined effort to deal with strikes. In place of doing that, they play with the electors in the hope of cultivating their good feelings and getting their votes when the elections come round. Strikes therefore, are largely allowed to take care of themselves. It was the case in the city of Hamilton, with regard to the strike which recently took place, from the accounts that we received in regard to it. Had the militia been called out prior to the date at which it was called out, a great deal of the trouble that took place might have been avoided. Property was destroyed and people were wounded. The destruction that occurred in Hamilton was unquestionably a disgrace to any well regulated city, and the citizens themselves have more to regret than any other persons owing to that unfortunate strike. I hope that they have had a lesson, and that in future they will so regulate their own internal affairs as to prevent a repetition of the occurrence. In the city of London, they had a very serious strike that lasted for a long time. I do not quite remember whether the militia were called out on that occasion or not.

Hon. Sir RICHARD CARTWRIGHT—Yes, they were.

Hon. Mr. McMULLEN—There is one gratifying feature with reference to calling out the militia; in every case where they have been appealed to, they have creditably performed the duty they were called upon to perform, and it is a good thing for the people of this country, from the Atlantic to the Pacific, that in the event of any large crowd of rowdies getting together to cause the destruction of property, we have a means whereby that kind of thing will be put a stop to. I do not think that the law now on the statute-book can be improved upon. It would not be wise to adopt the method that my hon. friend has proposed to the House. I think we had better continue the law as it is now. I can easily understand that the strike they had in Montreal caused a great deal of bitterness, and was the cause of an enormous amount of expense, but I hope that such an impression has been made upon the minds of the people there, that they will not require the assistance of the militia again for fifty years to come. I hope they realize that it is an expensive way of putting a stop to disturbances and rioting in case of a strike, owing to indifference and want of determined, united action on the part of their own municipal officials. We had better allow the law to remain as it is, and I earnestly hope that my hon. friend will feel it to be his duty, after the discussion has taken place on the question, to drop his Bill.

Hon. Mr. DAVID—As it appears to be the feeling of this House that I should not

proceed with this measure, I beg to be permitted to withdraw it, convinced that before four or five years have elapsed a measure will be adopted, if not in exactly the same words, in the same line; because I think instances will arise which will show clearly that the government, under certain circumstances, must pay the cost of the militia.

The Bill was withdrawn.

## INSPECTION OF ELECTRICITY BILL.

### REPORTED FROM COMMITTEE.

The House again resolved itself into a Committee of the Whole on Bill (P) An Act respecting the Inspection of Electricity.

(In the Committee.)

Hon. Mr. SCOTT—It will be within the recollection of hon. gentlemen, that we went through this Bill, and three sections were held over, 4, 5 and 11; 4 and 5 on the question of the jurisdiction of parliament, and I was asked to obtain the opinion of the Minister of Justice. I have here a letter addressed to me by the Deputy Minister of Justice in reply to the question put by Mr. Higman, the electrician, which reads as follows:

Dear Sir,—Mr. Higman submitted to me yesterday the Senate Bill lettered P, intituled 'An Act respecting the Inspection of Electricity,' with the question as to whether in my opinion subsection 3 of section 4, and section 5, are intra vires of parliament?

My opinion is in the affirmative with regard to both these clauses.

As to subsection 3 of section 4 it is to be observed that the two previous subsections provide for the constant pressure at which the contractor is to supply energy to the purchaser, and the variation of pressure shall not exceed three per cent. Subsection 3, as I understand it, is in the nature of a proviso, excepting from the requirement of subsection 2 the case or variation by the causes therein mentioned, I see no reason why the authority which imposes an obligation may not state the nature and extent of the obligation, and subsection 3, seems to be merely intended as one of the terms of such statement.

As to section 3, the contractor is thereby charged with the proper maintenance of electric lines, fittings and apparatus belonging to him or under his control upon the purchaser's premises. So far the provision seems to be a perfectly proper one assuming that the subject matter of the Bill is, as it appears to be, and as it has for some time been treated, within the legislative authority of parliament. Then it is provided that the contractor shall not be responsible for damages arising from the use of the electric current in lines, fittings and apparatus not belonging to him or under his control. By this I understand that it is not intended to say more than that nothing in this section, or perhaps in the Act is intended to make him so responsible. It is in fact a provision very much of the same character as subsection 3 of section 4.

I see no reason therefore why parliament should hesitate to enact either of these provisions so far as any question of authority is concerned.

I return herewith copy of the Bill which Mr. Higman left with me.

I am, yours truly,
(Sd.) E. L. NEWCOMBE,
Deputy Minister of Justice.

Of course it has been the law in the statute-book for the last eleven years. It was passed in 1898 and has not been challenged in all that time.

Hon. Mr. LOUGHEED—That would not necessarily impair the rights of the province.

Hon. Mr. SCOTT—No, but no exception has been taken to it. Then in reference to clause 5, as I explained before, the minister will feel it his duty to make selections of young men who have trained themselves especially for experts in electricity in regard to inspection.

The clause was adopted.

Hon. Mr. SCOTT—I have just had placed in my hands a clause to be substituted for clause 11, which, probably, will better meet the views of hon. gentlemen who have expressed opinions upon the subject than the clause as framed in the corrected Bill. It is to provide that no person shall be appointed to act as inspector until he has passed a a qualifying examination in electricity; but it is not intended to affect the status of any officers appointed prior to the passage of the Act. Graduates in electrical engineering of any university of Canada may be appointed without passing a qualifying examination; but no inspector shall be a seller of electricity or electric motors, or be employed by any person supplying electricity or motors. I move that the clause be substituted for clause 11.

Hon. Mr. LOUGHEED—While the proposed clause is a very great improvement on the one in the Bill, it would not have been unreasonable that the department should exact from the present inspectors a qualification such as they will enforce towards new inspectors. It might seem arbitrary to compel them to qualify them-

selves within a given time, but within a reasonable time they should prove their efficiency.

Hon. Mr. SCOTT—They will work up to it. It is not usual to legislate out people already holding offices and discharging duties.

Hon. Mr. LOUGHEED—I do not suggest that they should be legislated out, but that they should be compelled to qualify themselves to the satisfaction of the department.

Hon. Mr. SCOTT—That must be left to the department. It appears that the parties who are interested in electric power say that they cannot strictly comply with the conditions in clause 4; so the department is willing, at all events for the present, to limit clause 4 to electric lighting, and I move an amendment to that effect.

Hon. Mr. LOUGHEED—How does the government propose to measure the power which may be supplied by electrical power companies ?

Hon. Mr. SCOTT—The same class of meter, only a larger type.

Hon. Sir MACKENZIE BOWELL—There are many cases in which electric power is supplied on a flat rate.

Hon. Mr. SCOTT—That is a common practice—they do not measure at all.

Hon. Sir MACKENZIE BOWELL—In cases of that kind, this Bill would not operate any way.

Hon. Mr. SCOTT—It is optional between the company and the consumer. They may make an arrangement for what is called 'a flat rate,' and then there would be no meter required.

The clause was amended and adopted.

Hon. Mr. SULLIVAN, from the committee, reported the Bill with amendments, which were concurred in.

## INTERCOLONIAL RAILWAY EXTENSION TO MONTREAL BILL.

### COMMITTEE STAGE POSTPONED.

The order of the day being called :

House again in Committee of the Whole on (Bill 50) An Act to amend an Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal.—Hon. Mr. Scott.

Hon. Mr. SCOTT moved that the Speaker do now leave the chair.

Hon. Mr. LOUGHEED—I understood that my hon. friend was to submit the original agreement before resuming consideration of this Bill.

Hon. Mr. SCOTT—I have it here.

Hon. Mr. LOUGHEED—We will not have time to examine it if we proceed with the Bill to-day.

Hon. Mr. SCOTT—I have had an abstract prepared of the documents deposited with the Secretary of State's office, and of the printed statutes. The question was also asked me whether any litigation has arisen out of this. I am informed no, that it had no connection with litigation between the Crown and the Grand Trunk Railway, but it was in the course of litigation that the discovery was made that the agreement as filed in the Secretary of State's office did not agree with the print in the statute in some few particulars. The errors are not really important, but it was desirable to correct them.

Hon. Mr. LOUGHEED—My hon. friend may think I am too critical in this matter in view of the explanation which has been given, but I have not yet heard any explanation as to why such an extraordinary change could be made without the knowledge of the contracting parties. Now it is proposed to insert in this contract a long sentence, which certainly is not a typographical error :

Of the railway between and including Ste. Rosalie and Bonaventure station and Chaudière bridge, and connections.

There are two other equally long sentences which it is proposed to embody in the contract. I have not yet heard any explanation how such omissions arose as those referred to in clause 1 of the Bill.

Hon. Mr. SCOTT—The only explanation one can get of it is, that they took up the wrong draft the time it was submitted, because the meaning is exactly the same.

Hon. Mr. FERGUSON—They are the same by the interpretation clause, except where the context shows a difference.

Hon. Mr. LOUGHEED—How could the change have been made?

Hon. Mr. SCOTT—It is absolutely impossible to find out. The only way one can assume is, they made two drafts and, so far as those particulars are concerned, the wrong draft was put in the statute. There is no essential difference.

Hon. Mr. LOUGHEED—I would suggest to let this Bill stand until to-morrow, in order that senators may in the meantime look at the documents brought down.

The Order of the Day was discharged and fixed for to-morrow.

## WESTERN RIVERS IMPROVEMENT COMPANY BILL.

Hon. Mr. POWER (in the absence of Hon. Mr. Watson) moved the second reading of Bill (58) An Act to incorporate the Western Rivers Improvement Company.

He said: The object of the Bill is to permit this company to attach booms to the shore of Kamloops lake and the shores of the North Thompson river at or near the point of its confluence with the South Thompson river, and acquire, construct and maintain piers on the shores of and in the waters of the said rivers or lake at or near the said points (first having obtained the approval of the Governor in Council of its selection of such points), and to use booms in connection therewith: Provided that none of the said piers, booms or other work shall interfere with the free navigation of the said rivers and lake.

It is a navigable stream, and the company ask for power to erect booms, and build piers, with the approval of the Governor in Council.

Hon. Sir MACKENZIE BOWELL—Is not this similar in character to a Bill which was rejected by the committee about two years ago, and is not this an attempt to reintroduce the Bill which was rejected then?

Hon. Mr. POWER—I am not aware. I do not remember being present at the meeting of the committee when the other Bill was discussed, but perhaps the hon. gentleman will let the Bill be read the second time now, and, when it goes to the committee, if we find it is on all fours with the Bill of which he makes mention, it can be treated the same way.

Hon. Sir MACKENZIE BOWELL—I have no objection to its being read the second time and referred to the committee; but I call the attention of those who took an interest in a Bill of a similar character two years ago, and who are not members of that committee, to these facts in order that they may know what they are called upon to sanction.

Hon. Mr. POWER—After the observations made by the hon. member from Belleville, of course, the committee will have their eyes open and be prepared to carefully scrutinize the Bill.

Hon. Mr. KERR—There is another feature of the Bill which should be carefully considered. The Thompson river is wholly within the province of British Columbia.

Hon. Mr. POWER—But it is a navigable stream.

Hon. Mr. KERR—That makes no difference. The soil under that navigable stream and the shores of it, belong to the province; it is only the water which should be dealt with by this parliament. I do not wish to interfere with this Bill being considered in the committee, but the principle on which we are asked to take action is open certainly to two objections; first, the objection mentioned by the hon. member from Belleville, and also on the ground that we have no right here to authorize by legislation the construction of the works specified in the Bill. If the provincial legislature confer a right within their jurisdiction for the construction of works, it might be necessary to get the authority from this parliament ancillary to that to permit them to cause an obstruction to navigation; but only to that extent ought this parliament to interfere. That question was very fully discussed two years ago, and again in a short way one year ago, when powers were given with reference to the interference with the waters of Rainy river by the Ontario and Minnesota Power Company. The question is one which deserves careful con-

sideration, first, whether we should pass the Bill at all, and, second, whether, after having refused the various powers applied for two years ago, we should now confer them upon another company.

Hon. Mr. De BOUCHERVILLE—It seems to me this is a Bill which should be passed by the legislature of British Columbia.

Hon. Mr. SCOTT—I understand there is a very much stronger ground of opposition to this Bill, and that it has practically got to this stage without the parties really interested in property up there knowing anything about it, and that several persons were induced to sign a petition in favour of it by misrepresentation and fraud. I am informed by a professional gentleman from Winnipeg, that the works at the junction, referred to in this petition, are where the firm of Lamb, Watson & Co., a large lumbering company, have invested nearly half a million dollars, and are bringing down this year 50,000,000 feet of lumber on those very waters. Now it is proposed by this Bill to confer on a small syndicate the right to exact tolls. The Bill is not one that can possibly be entertained when the facts are known. It is probably better that it should go to the committee, where all the parties can be heard; but it is just as well to warn hon. gentlemen in advance, of the fact that the parties who propose to form themselves into a company and exact tolls, are interested in that section to a very small degree, and the presumption is that the object is to bring pressure on the larger companies. The Bill contains powers of expropriation. They may expropriate property worth half a million dollars when they have not probably ten thousand dollars interest in the locality. Another feature I observe in the Bill is this: they can go into operation when they pay in $1,250, and exercise the extraordinary powers conferred on the syndicate by this Bill. I merely mention these points that have been communicated to me. I first received a telegram from Revelstoke requesting me to have this Bill delayed until the parties interested could appear in Ottawa. Mr. Watson was out of the Chamber at the time, and I handed it to another hon. gentleman to be used in case I should be absent when the Bill came up. I hope the committee will thoroughly sift the Bill before it passes

Hon. Sir MACKENZIE BOWELL—It looks very much like an ordinary hold-up Bill.

Hon. Mr. LOUGHEED—If there are no merits in the Bill, and if it is as colourable as is indicated by the leader of the government in this Chamber, and if it will involve bringing witnesses and others interested all the way from British Columbia at their own expense, and is an invasion, to the extent mentioned, of very important interests in British Columbia, why should we accept the principle of it by giving it a second reading?

Hon. Mr. SCOTT—Let it stand for a week.

Hon. Mr. LOUGHEED—It seems to me the proper course to take is to refuse to give it a second reading. If there is any hon. gentleman present who can controvert the statements that have been made here to-day, and show that the Bill has merits, we may then accept the principle.

Hon. Mr. POWER—We should either kill the Bill now or let it go to committee at once, because the legal gentleman to whom my hon. friend the Secretary of State has referred is in the city now, from Winnipeg, and it is not desirable that he should be kept waiting here as he would be if the second reading were deferred for a week. I know very little of the merits of the case. I simply was asked to take charge of the Bill in the absence of the hon. gentleman from Portage la Prairie; but I think the general practice in this House is not to consider that there is any principle involved in the second reading of a private Bill. A private Bill is supposed to go to the committee, and I assume that if the statements which have been made here in relation to this Bill are correct, the committee will report that the preamble of the Bill has not been proven. It would be an unusual course to defeat a private Bill on the second reading.

Hon. Mr. WILSON—I think there is very much in what the hon. leader of the House says. This is a Bill that we ought to canvas carefully and analyse thoroughly. It strikes me very forceably that we have comparatively little information in reference to the rights that the company are asking for in that locality, and perhaps, we

may be giving away an important water privilege that we know not of. It is true that it will be subject to an order in council; but we know that these things occur very frequently, not in the best interests of the country, and if what has been stated by the hon. gentleman from Halifax, that these men are here, and that they will appear before the committee and offer explanations, is correct, it is a reason why we might permit this Bill to go to the committee. Otherwise it appears to me, the hon. mover of the Bill has not that necessary information which would enable us to decide in favour of allowing this Bill to pass, only on the condition that it goes before the committee where parties connected with it will appear and explain the nature of the powers they are asking for, and which, according to the Bill, appear to be very extensive indeed. They regulate their tolls and every thing else, subject to an order in council. We ought to know definitely what those tolls are going to be, and the powers vested in the company. Under those conditions I will not oppose the Bill at the present time.

Hon. Mr. POWER—The learned gentleman from Winnipeg, of whom I spoke, is here to oppose the Bill.

Hon. Mr. BOSTOCK—I might possibly relieve any doubt in the mind of the hon. leader of the opposition. I understand that the promoter of this Bill is to be in the city to-morrow, and the gentlemen who are opposing it have been here for two or three days. So far as any information we require with regard to either side of the question is concerned, we shall have both parties here by the time the Bill goes before the Railway Committee. I do not myself consider that this is a very proper kind of Bill, because the House will probably remember that practically the same Bill was brought before this House in 1904, and the Railway Committee appointed a special committee to deal with it. They remodeled the whole Bill and curtailed its powers to a very large extent, and when it left the committee, it was a very different measure from what it was when introduced. I find that on comparing this Bill with the original Bill brought in, known as the Thompson River Improvement Company Bill, this measure is identically the same, excepting that the second clause declares it to be a work for the general advantage of Canada. I do not myself consider that this Bill is one which should be allowed to go through in the shape in which it stands; but I asked that it be allowed to go to committee.

The motion was agreed to, and the Bill was read second time.

## CANADIAN MUSICAL AND DRAMATIC ASSOCIATION BILL.

Hon. Mr. CASGRAIN (de Lanaudière) moved concurrence in the amendments made by the Standing Committee on Miscellaneous Private Bills to Bill (I) An Act to incorporate the Canadian Musical and Dramatic Association, Limited. He said: I am afraid there is some misapprehension about this Bill. I have been asked by the promoters of it, very respectable people indeed, amateurs of music, who think that Montreal should have a conservatoire of music—to explain it. They have been endeavouring to establish this institution, but lack of funds and encouragement from the public have prevented it becoming a success. They thought if they were granted the privilege they have asked for in their Bill that they might be able to establish a conservatoire of music. This conservatoire would be a place where young men could meet to study the art of music, and those who were the best pupils would be sent, at the expense of this association, to complete their studies in the old country. I find among the names given to me here, the following gentlemen: Mr. Edmond McMahon of the district of Montreal, who has been for many years one of the leading men in the chapel of the church of Notre Dame of Montreal, choir master in one of the most important churches; J. A. Boucher is also a musician; Mendoza Langlois has been engaged in all these musical associations, Zenon Fontaine, advocate, and J. Alfred Labelle, advocate. Two of these gentlemen have themselves founded a theatre in Montreal. I must say that this is altogether a technical matter. It appears they cannot get enough encouragement from the public. The idea, as I understand it, would be that they would simply sell tickets of admission to these theatres at the usual

prices, sell only the number of tickets for which there are seats, and out of the price they would receive from the sale of these tickets, they would draw lots, and get certain premiums. That is the way I understand the Bill. I must say that I am not as familiar as I might be with all the details, and I regret it. The amendments are before the Senate, and perhaps, after discussion, some further amendment may be offered. However, I submit the amendments as they are, and ask the concurrence of the House in those amendments.

Hon. Mr. SCOTT—It is an exceedingly praise-worthy thing of Montreal to establish a conservatoire of music, but one would think that in the large population Montreal has, over 400,000, they would not have to resort to so low down a method of getting subscriptions as to have a lottery of theatre tickets—theatre tickets of all things in the world. It is purely and simply based on the lottery principle. In the clauses that refer to the association, it is set forth that they may do certain things. The association may at any place in Canada build, purchase lands, acquire and operate theatres, and give dramatical and musical performances, and it may do a number of other things; but in none of the instances is the word 'shall' used. They are not bound to do any one of them—a variety of things that will be commendatory and quite in accord with the remarks of my hon. friend.

Hon. Mr. CASGRAIN—There is no objection to the word 'shall.'

Hon. Mr. SCOTT—But the mode by which they will raise money is to acquire a theatre, and act in concert with a theatre. The tickets are issued for a theatre; you are not bound to go there so long as you buy a ticket. You share in a certain amount set aside out of the gross earnings of the theatre twice a month, and, if you win the prize, you get $100 or $150, whatever it might be, not depending on the number of people who sit in the theatre, or who bought tickets for the theatre, but as it is drawn, for the number of tickets that the theatre itself will hold, the seats, which shows what the object is plainly enough. In reference to this question of lotteries, there has been an expressed opinion by the Senate that they are not to be encouraged. Some fifteen or twenty years ago, when the subject first came up in this Chamber, a very strong appeal was made to exempt the Arts Union of England, but so strong was the feeling at that time against the encouragement of lotteries drawing prizes of any kind, that the Senate said no, and for some ten or fifteen years we would not even allow subscribers to the Arts Union, who are annual subscribers, and who receive annually a picture, share in the drawing of a higher class of picture, because it simply savoured of chance. We went that far, and up till last session the Arts Union of London, England, was excluded from that small privilege of giving to its own subscribers a high class picture, they already having paid their money annually, for which they got a picture; but the Senate was strongly impressed with the propriety of putting down raffles of that kind, because it was found that the drawings of the Arts Union were made a precedent of by other concerns, and, that by means of the numbers that were issued by the Arts Union they got in and distributed the money prizes according to the Arts Union system of drawing for pictures. The law on the subject is this:

> Every one is guilty of an indictable offence and liable to two years imprisonment, and to a fine not exceeding $2,000, who makes, prints, advertises or publishes or causes or procures to be made, printed, advertised or published, any proposal, scheme or plan for advancing, lending, giving, selling or in any way disposing of property by lots, cards, tickets or any mode of chance whatever.

Now you violate the criminal law if you pass this Bill.

Subsection 3 says:

> Conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who or the holders of what lots, tickets, numbers or chances, are the winners of any property so proposed to be advanced, lent, given, sold or disposed of.

Clauses 15 of the Bill reads as follows:

> For the purpose of aiding the association to defray the aforesaid expenses for the maintenance of the said conservatory and of the said scholarships, the association may distribute, by means of the drawing of lots, a part of the receipts of the theatre managed by the association at its head office, among all the bearers of the tickets of admission to the performances given to the said theatre, but subject to the following conditions:—
>
> (a) Provided that the amount thus distributed at each drawing of lots shall never exceed fifteen per cent of the gross total re-

ceipts which the said theatre of the association would have given at the rate of admission charged by the association, if the theatre had been filled at each performance given since the last drawing of lots.

That is the way the Bill read before it was changed in committee. They struck out three lines in this clause, and limited it to collections by the theatres. It was limited then to all the tickets sold, and twice a month 15 per cent of the gross receipts were to be raffled for, and it was open to any one who happened to have a ticket. You need not go to the theatre; you might have bought ten or twenty tickets and have never gone near the theatre at all, but you would have twenty chances in the lottery which was to be held within a certain time. I was surprised indeed to see the names of the gentlemen who have been quoted as favouring this measure, and I may say that I was called upon to-day by a very influential deputation, who urged that this Bill ought to be allowed to go through, that it was harmless. I pointed out the law on the subject, and stated that the uniform policy of the Senate had been the suppression of lotteries, the evil of it had so often been brought to our notice, and the gambling spirit of the age is not to be encouraged. People will gamble, but do not let us make gambling legal; do not give the support of some superior association to it. The cause, no doubt, is a good one, if it is fairly carried out.

Hon. Mr. LANDRY—I thing the hon. gentleman should read the other restrictions, to be fair.

Hon. Mr. SCOTT—I have read everything that was necessary.

Hon. Mr. LANDRY—Necessary for the hon. gentleman's argument, but not for fair play.

Hon. Mr. SCOTT—I shall read the other provisos. They are as follows:

(b) Provided moreover that no ticket of admission shall give a right to participate in the said drawing of lots unless the performance for which the said ticket has been sold has taken place, and that there has been at such performance a place in the theatre for the holder of such ticket, as provided for by the municipal and provincial regulations in force;

(c) Provided moreover that every holder of a ticket under the conditions aforesaid shall have the right to participate in the said drawing of lots, and that nothing beyond the regular price of admission shall be charged for such right.

That provides that there is a seat in the theatre for the holder of a ticket. It is admitted that the holder need not go to the theatre; all he has to do is to buy a ticket, and then he shares in the lottery. I do not think the two last provisos help us at all. On the contrary, they make it perfectly clear as to the terms and conditions on which the party shall buy his ticket, and on which he shall share in the lottery. Under these conditions, I would certainly ask this House to maintain the high position they have held in the past in regard to Bills of this kind, and decline to accept it. It is an indirect violation of the criminal law.

Hon. Mr. CASGRAIN—In fairness to the measure, I would point out to the hon. gentleman that the word 'shall' is used. It provides that the said association 'shall' expend for the said conservatory an annual sum of not less than $20,000.

Hon. Mr. SCOTT—Yes, but there is nothing to compel them to raise money. I challenge my hon. friend to sustain what he says: Clause 8, reads in this way:

8. The association may—

(a) at any place in Canada, build, purchase, lease, or otherwise acquire, and operate, theatres and give therein dramatic or musical performances;

(b) build, purchase, lease, or otherwise acquire a conservatory in the city of Montreal for the teaching of vocal and instrumental music, elocution, declamation and the dramatic art;

(c) establish and maintain elsewhere in the Dominion of Canada branches of the said conservatory;

(d) found and maintain scholarships for sending pupils from its conservatory to study in foreign conservatories;

(e) exercise all other powers necessary or expedient for the aforesaid purposes.

When my statement was challenged that there was nothing compelling the company to do anything else except to hold this lottery, I would refer to the enacting subclauses in clause 8. There is nothing to compel them to do it. They simply have the right to do it. There is nothing obligatory on them to do it. They can hire a theatre, and they can sell tickets to that theatre, and the profits of the sale of the tickets twice a month will be divided amongst the ticket holders. I do not think you could have a clearer lottery practice than that.

Hon. Mr. POWER—In addition to the objections to clause 15 which the hon. Secretary of State has pointed out, and also to clause 8, it strikes me that the first paragraph of clause 8 is objectionable. That paragraph states that the association may at any place in Canada, build, purchase, lease and otherwise acquire and operate, theatres, and give dramatic or musical performances. It does not seem to me that it is a desirable thing that we shall here incorporate a body with power to enter into competition all over Canada with the existing theatrical houses. That is an objectionable feature. Those theatres are institutions which come peculiarly within the provinces of the local legislatures, and have been dealt with, have been established, and the companies incorporated by the local legislatures, and it is therefore objectionable that we should here authorize one company to enter into competition in all the provinces with those theatres. The object of the Bill, to develop the musical talent of the country, is a very good object ; but, as the hon. Secretary of State has pointed out, the real substance of the Bill is to be found in clause 15, which is simply a clause authorizing them to gamble. I am not opposed to the Bill, but I think it will bear amendment, and if that is the feeling of the House, I shall move, seconded by Hon. Mr. Ellis, that the amendments be not now concurred in, but that the Bill be referred back to the Committee on Miscellaneous Private Bills, with instructions to further amend the same by removing the provisions with respect to lotteries.

Hon. Mr. LANDRY—I have no intention of discussing the Bill at very great length, but there is a matter that I cannot forget. The instructions given by my hon. friend, the member for Halifax, asking this House to refer back to the committee the consideration of this Bill is useless, I think. And why ? We have already enjoyed the light which the hon. gentleman brought before that committee. I remember we were all sitting together discussing the merits of the Bill——

Hon. Mr. YOUNG—The hon. gentleman cannot discuss what was said in committee.

Hon. Mr. LANDRY—I am not discussing it. If the hon. gentleman would give me a little more time, he would learn what I was going to say. I remember the day when, if we may rely on what has been reported, not to say what took place in another part of this House, but what was reported—I may refer to that—when it was stated that in one of the committees of this House—I do not say what committee—

Hon. Mr. YOUNG—Order, order.

Hon. Mr. LANDRY—I am not referring to it. The report of the committee is here. It has been brought in, and we know what it decides. I am not speaking of that. There is a motion to refer the report back to committee, with certain instructions. I say if what I heard reported is true, it is useless to make that recommendation.

Hon. Mr. YOUNG—That is a reflection on the committee.

Hon. Mr. LANDRY—It is not a reflection on the committee ; I say if what is reported is true—I am not saying what took place at all.

Hon. Mr. YOUNG—Is that report in order?

Hon. Mr. LANDRY—How many times has the hon. gentleman risen in his place in this House and referred to things which took place in this House. The hon. gentleman should know what the rule is.

Hon. Mr. YOUNG—I do.

Hon. Mr. LANDRY—I am not referring to what took place in committee. He has no right to call me to order ; but I may refer to what I have heard, so much so that when a speech is made in the House of Commons and is reported in the newspapers, we may refer to that speech, because we get it from another source than the reports of the proceedings of that House. We get it from the public press. What we obtain from the public papers, I may get from the public utterances in this House or outside of it by hon. members. That is what I refer to. I did not refer to what took place in committee. I do not know what took place in committee. I was told. I heard officers tell me, that one day in the committee an hon. member came there and said ' Do you know what we are doing gentlemen '—

Some hon. MEMBERS. Order, order.

The SPEAKER—The hon. gentleman cannot refer, even in an indirect way, to what took place in the committee.

Hon. Mr. LANDRY—I never said it took place. I said I heard that it took place.

Hon. Mr. BEIQUE—The hon. gentleman is arguing; if he is arguing anything at all, it is that it is no use to refer the Bill back to committee, because the committee will not obey the mandate of this House. That is what he is arguing.

Hon. Mr. LANDRY—The hon. gentleman did not understand my argument at all. I never said so. I never said that the committee would not take into consideration the mandate of this House. I said it was useless to do so; it might take into consideration, and it might adopt the mandate of this House, or might give reasons why it should not adopt the mandate of this House. I never said it would not take it into consideration, and the hon. gentleman is going too far. He did not understand my argument at all. The hon. gentleman said that this was against the criminal law. Will the hon. gentleman say here that that phase of the question was not presented to the committee? I shall rely upon him. I will not say what took place in the committee. The hon. gentleman cannot say.

Hon. Mr. POWER—Surely the hon. gentleman would not want me to state what took place or what did not take place in committee? Officially I know nothing about it.

Hon. Mr. LANDRY—It must have taken place.

Hon. Mr. POWER—The hon. gentleman says so.

Hon. Mr. LANDRY—And the hon. gentleman is unable to contradict me. He could not contradict me, because he knows.

The SPEAKER—The hon. gentleman could not contradict or affirm, because he has no right to state what took place in the committee.

Hon. Mr. LANDRY—That is what I am doing. I do not affirm that; I defy him to contradict. If I have no right to say what took place in the committee, I have a right to ask the hon. gentleman if really such a great objection as this was not raised in the committee.

Hon. Mr. YOUNG—The hon. gentleman wants to know what took place in the committee, by proxy.

Hon. Mr. LANDRY—No, it is not proxy. He says the clause is contrary to the criminal law. We all know that, and it is for that reason this Bill is presented. When the Arts Union Bill was before the House, it was a violation of the criminal law, and it was precisely for that reason that my hon. friend from St. John introduced that measure, to place the Arts Union outside the pale of the law. More than that, what is a gambling game? What is a lottery? Could the hon. gentleman tell me what a lottery is?

Hon. Mr. YOUNG—I have had no experience.

Hon. Mr. LANDRY—But the hon. gentleman knows the term. The fact that we say a thing is a lottery does not really make it a lottery. If the hon. gentleman will look at the criminal law he will see that a lottery is a scheme in which you risk your money to get something or to get nothing at all. You run your chance; you take a ticket; you may lose your money or double it, or treble it to any amount.

Hon. Mr. KERR—I call the hon. gentleman's attention to the definition of a lottery in subsection (b) of the clause which refers to it.

Hon. Mr. LANDRY—If the hon. gentleman will allow me to discuss it, we will give him a chance to reply. I have not section (b) in my hand. I am asking what constitutes a lottery?

Hon. Mr. KERR—The statute states what a lottery is.

Hon. Mr. LANDRY—If the hon. gentleman desires to speak, I will let him have his chance. Does he wish to make his speech now? I think there is a rule which states that one member should not interrupt another, especially when he is requested not to. The hon. gentleman will have all the chance he wants.

Hon. Mr. KERR—I was rising to a point of order.

The SPEAKER—The hon. gentleman will please not interrupt.

Hon. Mr. LANDRY—There is no chance that the person who buys a ticket will not get the worth of his money; you buy a ticket and go to the concert. You get what you pay for, and you have a right to draw prizes to the extent of 15 per cent of the gross receipts of the company. Even though you fail to draw a prize, you have something for your money. This is only an inducement to bring people to the theatre. They are not permitted to sell tickets beyond the capacity of the House. The capacity of the building limits the number of tickets that may be sold. No tickets shall be given unless the holder has a seat in the house. There is no lottery in that. Those clauses are more restricted than the clauses we imposed on the Arts Union of London. Is it because this happens to be a Canadian company that we refuse to give them all the privileges we give to an English company? This is an arts association. It appeals to the ear as the other union appealed to the eye. I do not see why we should refuse to this company what we granted to the other. Last year, when we adopted the Bill proposed by my hon. friend, it was pointed out that it was establishing a precedent, and that we could not refuse similar applications in the future. I shall vote against the amendment.

Hon. Mr. CASGRAIN—I have just received a note from the promoters of the Bill saying they do not want to establish a lottery of any kind, and are ready to accept the amendment of the hon. member from Halifax. They are willing to have the Bill referred back to the committee, in order to strike out of it any vestige of a lottery principle.

The amendment was agreed to.

## SECOND READINGS.

Bill (KK) An Act to incorporate the Abitibi and Hudson Bay Railway Company.—(Hon. Mr. Power.)

Bill (LL) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Young.)

Bill (MM) An Act respecting the Hamilton Radial Electric Railway Company.—(Hon. Mr. Gibson.)

## MEATS AND CANNED FOODS BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (33) An Act respecting the inspection of Meats and Canned Foods.

(In the Committee.)

On clause 12,

Hon. Sir RICHARD CARTWRIGHT—The House may remember that considerable discussion took place with respect to clause 12 which provides :

All articles prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, shall be subject to inspection during the whole course of preparation and packing ; and all such packages shall be marked with—

(a) the initials of the Christian names, the full surname, and the address, or, in the case of a firm or corporation, the firm or corporate name and address of the packer;

(b) a true and correct description of the contents of the package.

The hon. Minister of Agriculture, who originally devised this Bill, has consulted with several parties who feared that their trade would be interfered with by this provision, and he has advised me that he is prepared to consent to this amendment :

Provided, however, that if it be established to the satisfaction of the Governor in Council that such marking would hinder the sale of any of said articles in the British market, he may exempt such articles from the provisions of this section.

I understand that this is agreeable to the parties who feared that their business would be endangered by the provision in the former clause, and therefore I move that these words be added.

Hon. Mr. ROBERTSON—Would the hon. gentleman have any objection to adding after the word ' British ' ' or European ' ?

Hon. Sir RICHARD CARTWRIGHT—No, that seems reasonable. I think there is no objection.

The amendment was changed and adopted.

On clause 2, subclause (a),

Carcases means the carcases of cattle, swine, sheep, goats or poultry.

Hon. Mr. SULLIVAN—On reading this clause, I was struck with certain phrases made use of. There is one animal very extensively used as food, an animal which has

contributed probably more than all other animals to the advancement of science. It is connected with no less important a subject than electricity. It is an animal that is exported or was, up to a few months ago, exported in large quantities to the United States. It is used there to stimulate the jaded appetites of those voluptuous Sybarites who have destroyed their digestion by indulgence. That will give an idea of the value of the animal. It is the 'rana esculanta', or common frog. This animal was a subject of discussion at Washington. The Canadians exported it in such large quantities, and the value of it was so great that certain Americans called on the Secretary of the Treasury in relation to it. The Secretary of the Treasury heard their complaints, and so strong were their statements and arguments, that they proceeded to define what the nature of this animal was. Was it fish or flesh? It is a fish at one period of its life, and may be a terrestrial animal at another—it is in fact amphibious. This animal was the subject of a prolonged dispute, and after learned men and all the naturalists had pronounced their views upon it, it was decided to place this animal in the category of chickens. There is a law in the United States which provides that any article imported into that country and which is not classed in the tariff, may be taxed by its close relation to a thing which is taxed. They thought the flesh of frog resembled chicken, and they classified it as chicken. My reasons for saying all this is, that when I read this clause I found that we were called upon to pronounce that poultry has a carcase. What is the meaning of putting that word poultry in this clause? It would be consulting good taste and euphony to have this word stricken out of the clause. Poultry are turkeys, geese, hens, &c. Pigeons and pheasants are not classed as poultry, so you see the term is confined to certain birds. I do not see why poultry should be put in the same class as the animals named in the clause, contrary to the usage of naturalists and contrary also to the recognized use of the term. No butcher applies the term carcase to a turkey. It is used in relation to cattle, swine, sheep and goats, and the term 'carcase' is applied only when the head, hide, hoofs and entrails are removed. It is for this House to pronounce on this phrase whatever way it likes, but I think it is contrary to good taste, it is an error in grammar and it is contrary to natural history. It is no reason why we should pass it because it passed the House of Commons. I should be sorry to think this clause was allowed to pass in this House without recording my objection to it. Any one who reads it will wonder if there was not enough intelligence in the House to strike it out. I do not see what possible use it is there, or that removing it can interfere with the merit of the Bill in any way. Unless the right hon. gentleman, who has charge of the Bill, can justify its use, I would like to strike out that word 'poultry'. I move that the word 'poultry' be struck out of the clause.

The amendment was rejected, and the clause was adopted.

On subclause (d),

(d) 'Food' includes every article used for food or drink by men, and every ingredient intended to be mixed with the food or drink of man for any purpose.

Hon. Sir MACKENZIE BOWELL—I do not know why 'drink' should be classed as a food. Would you consider a glass of whisky and water as food?

Hon. Sir RICHARD CARTWRIGHT—I will inquire of the Minister of the Agriculture, who is supposed to be an expert, why the term is included in the clause.

Hon. Sir MACKENZIE BOWELL—It seems to me an extraordinary definition of the word 'food.'

Hon. Mr. LOUGHEED—What application has that to the Bill? There is no provision made for the inspection of liquids.

Hon. Sir RICHARD CARTWRIGHT—I am bound to say that the word does look dubious in this Bill, which is supposed to refer to meats. I suspect it is put in to give a latitude to examining of every thing that could be construed as an article of food.

Hon. Mr. POWER—Bovril is an article which I think would come under that description.

Hon. Sir RICHARD CARTWRIGHT—The Bill has been carefully prepared by the department, and I do not think any pos-

sible harm can arise from passing it in its present shape.

The clause was adopted.

On clause 5,

5. Unless the minister otherwise directs, upon the report of an inspector, animals owned by farmers and slaughtered by them on their own premises, and animals slaughtered by retail butchers on their own premises, shall not be subject to inspection under the provisions of this Act.

Hon. Mr. McMULLEN—This is an exceedingly important provision, and I do not know what object the minister had in excluding animals slaughtered by farmers, and especially animals slaughtered by butchers. It would have been better if we had reserved the right to make inspection where a complaint was filed. It is strongly suspected that a great many animals that will not pass inspection, such as animals that have lump jaw or diseases of that kind, sometimes, because they are so cheap, are bought by retail merchants and sold by retail. They are not subject to inspection, and many people buy that kind of meat not knowing that any thing is wrong with it, and, in that way, are using meat that is not in a sound condition. It would have been better if the minister had reserved the right to inspect where there was any complaint filed, that there was reason to believe a butcher had sold the meat of a diseased animal. He should have reserved that power. This throws the gate open virtually to permit farmers to slaughter diseased animals at home and sell the meat on the market by the quarter. Nobody would know if the animal had been diseased, and the meat is bought and used. For instance, a farmer has an animal that has lump jaw, which precludes the possibility of selling it for export; he may slaughter that animal on his own farm and sell it to a local butcher, who may be ignorant of the fact that it is not fit for food. The affected part is cut off and thrown away, and the rest of the meat is sold.

Hon. Mr. SULLIVAN—As I understand, this Bill applies to the export trade?

Hon. Mr. SCOTT—Chiefly.

Hon. Mr. SULLIVAN—And does not refer to animals slaughtered for consumption in the country; because if all the cattle slaughtered for food had to be inspected, you would require more inspectors than the government could pay for.

Hon. Mr. FERGUSON—I do not think you can go further than clause 5. If a farmer could not slaughter an animal without having an inspector examine it, you would make the Act so restrictive that it would have to be repealed.

Hon. Mr. BEIQUE—Clause 5 is necessary, because clause 2 provides that an establishment means 'any abattoir, packing house, or other premises in which such animals are slaughtered.' Therefore, if clause 5 were not there, it would include the premises of farmers, and the farmer would not be allowed to slaughter any animal on his premises unless he had it inspected. Clause 5 exempts farmers premises from the operation of the law, but reserves to the minister the right to provide for an inspection, if he thinks proper.

Hon. Mr. POWER—I wish to direct the attention of the hon. gentleman from Wellington to clause 10 which provides for the case he speaks of:

10. Any person slaughtering, or permitting the slaughtering of, animals and selling, or offering for sale or transportation, for export a carcase, or any portion or product thereof, which is unhealthy or unfit for food is guilty of an indictable offence and liable to one year's imprisonment.

That is not limited to a case where the slaughtering takes place in an establishment.

Hon. Mr. WILSON—I think that clause is as good a clause as could possibly be framed for the enforcing of this Act.

If there be what the hon. gentleman referred to, any disease in the neighbourhood, any lump jaw or whatever it otherwise might be, the inspector will have the opportunity, and the minister will direct that he shall examine into the condition of cattle in that locality and direct that the farmer be not permitted to slaughter a diseased animal. It would never do to place the whole of this matter in the position that no animal could be slaughtered without the permission of the inspector. Therefore, I think you could not select a clause that would answer and enable justice to be done to the farmer better than by clause 5 as it stands.

On clause 6,

The directors, after the whole of the capital stock has been subscribed for and fifty per cent thereof paid up in cash, may increase the capital stock, from time to time, to an amount not exceeding five hundred thousand dollars, but such increase of capital shall not take place unless and until a resolution of the directors authorizing such increase has been approved of by a vote of two-thirds in value of the shareholders present or represented by proxy at a special general meeting called for that purpose or at the annual meeting.

Hon. Mr. SULLIVAN—Is this inspection to be made by the inspectors of fowl, turkey, geese, and so on?

Hon. Sir RICHARD CARTWRIGHT—I understand so.

On clause 7,

Every carcase or portion or product thereof prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, shall be subject to inspection during the whole course of preparation and packing; and after all the requirements of this Act regarding inspection have been complied with, and not until then, all such packages shall be marked by the inspector in such manner as is provided by the regulations.

Hon. Mr. LOUGHEED—Would this clause be sufficiently far reaching to deal with a carcase that is not packed in a can or a similar receptacle? In many large abattoirs the beef is shipped, for instance, in quarters to different parts of the Dominion in cold storage. It seems to me that this clause would not be sufficiently large to deal with that case, because there has been really no packing.

Hon. Sir RICHARD CARTWRIGHT—Would clause 6 not reach the objection of my hon. friend fully? That would appear to deal with the point he raises.

Hon. Mr. LOUGHEED—It depends on the regulations as to whether they would meet that.

Hon. Sir RICHARD CARTWRIGHT—I think it would. I would just say to my hon. friends, as they very well know, this Act was drawn by the Minister of Agriculture, and in special reference to the scandals which had arisen in the United States and which have done such an enormous amount of damage to their export trade, particularly in canned goods. The other portions of the Act are incidental, and, as the hon. gentleman knows, it is practically impossible to enforce too rigid inspection in such a Dominion as ours. He could not, for instance, in the territory he represents, which covers I do not know how many hundreds of miles, with people living five, ten and fifteen miles apart, have inspectors examine every hog, cow or animal.

Hon. Mr. LOUGHEED—I quite appreciate that. I refer to the larger abattoirs, where meats are prepared for sale, and where they are frozen and shipped as frozen, or partially frozen, chilled products.

Hon. Sir RICHARD CARTWRIGHT—Clause 10 contains very severe penalties against parties who sell improper meat. I think the two taken together would cover the ground. Perhaps my hon. friend had better wait until we get to clause 10, and then we can consider the two together.

The clause was adopted.

On clause 9,

9. Every carcase, or portion or product thereof, found, upon inspection or reinspection, to be unhealthy or unfit for food, or which contains such ingredients or preservatives as may render it unfit for food, shall be marked by the inspector in such manner as is provided by the regulations, and shall thereupon be deemed to be condemned as unfit for food and shall be disposed of as provided by the regulations.

Hon. Mr. SULLIVAN—Is there any definition given of the preservative? Does the minister define it?

Hon. Sir RICHARD CARTWRIGHT—That must be done by regulation. You cannot pretend to put those things into an Act of parliament.

The clause was adopted.

On clause 10,

Any person slaughtering, or permitting the slaughter of, animals and selling, or offering for sale or transportation, for export a carcase, or any portion or product thereof, which is unhealthy or unfit for food is guilty of an indictable offence and liable to one year's imprisonment.

2. Every one who is convicted of this offence after a previous conviction for the same crime shall be liable to two years' imprisonment.

Hon. Sir MACKENZIE BOWELL—Is there any provision relating to the slaughtering of diseased animals which are sold

for home consumption ? This clause refers exclusively to exportation.

Hon. Sir RICHARD CARTWRIGHT—I think it goes further than that. There is no doubt that the main design of the Act is to guard our export trade in these articles. Under the general Act, if my memory serves me, the law which was lately passed, the Revised Statutes, there are penalties inflicted on people who sell food in improper condition, but I have not the general Act here.

The clause was adopted.

On clause 12,

All articles prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, shall be subject to inspection during the whole course of preparation and packing ; and all such packages shall be marked with—

The CHAIRMAN—This is the clause to which the following amendment has been proposed :—

Provided, however, that if it be established to the satisfaction of the Governor in Council that such marking would hinder the sale of any of said articles in the British and other European market, he may exempt such articles from the provisions of this section.

Hon. Sir MACKENZIE BOWELL—That is relegating the legislative powers altogether to the Governor in Council, so far as marking of goods is concerned. When this question was under discussion before, the hon. gentleman from Montague called attention to the fact that the marking and putting of labels on lobster cans would affect their sale. I remember some years ago, when I was visiting the canneries, particularly the lobster canneries on the Island of Prince Edward, that a number of them were owned and worked by citizens of the United States, and they put no labels except Yankee labels on the products of our own fisheries. My attention was called to it at the time. I am not aware that any law has been passed since to prevent that practice. But the character of the lobsters which were caught on the shores of Prince Edward Island was so superior to the character of those that were caught in the United States, that the United States operators who owned and were working the canneries, put their own United States labels upon the lobsters that were put up in the canneries on the island. I remember very well calling the attention of the government to that fraud, because it was nothing else, and it was taking credit to the United States for the superiority of an article which they obtained in Canadian fisheries. I have no recollection, at present, if any law was passed preventing the canneries from putting foreign labels upon the articles produced in Canada, but such a law should be enacted.

Hon. Sir RICHARD CARTWRIGHT—I cannot answer that question of my hon. friend, but my own impression is that ultimately it will be found to be very much in the interests of the packers themselves and the producers of these articles to have them labelled as Canadian goods, and I was a good deal surprised at the objection to the proviso for that reason. But lobster packers, and I think the salmon packers in British Columbia represented very strongly to the government, that their trade would be damaged unless this particular exemption were permitted.

Hon. Sir MACKENZIE BOWELL—I think the statement of the hon. gentleman is quite correct. These goods canned in the Dominion are known in the markets of Europe to be superior to those which are canned in the United States, and it is a gratifying fact to know that a Canadian label placed upon many of our articles which are exported now to Europe, brings higher prices than those exported from United States. At the time to which I refer such was not the case.

Hon. Sir RICHARD CARTWRIGHT—That is true. It may interest my hon. friend who preceded me in the present department, to know that the agents in several cases have reported that now-a-days United States goods are being constantly labelled as Canadian, for the purpose of obtaining a market in England.

Hon. Mr. ROBERTSON—I am not able to answer the hon. senator from Belleville, as to whether there are any United States labels put on lobster cans in Prince Edward Island canneries or not, but I know a great number of our Prince Edward Island lobster packers label the cans with the island, or some Canadian label, and these lobsters are all exported to the United States market. What is provided by this Bill and

what this amendment covers, is that continental buyers, and I think, Canadian buyers also, who wish to have lobsters from our island, may order their cans sent without a label, so that they can use their own label. I think it will be better to have all the lobsters labelled as Canadian, and that will in time be done. It will cost more money if we emboss the cans, as we would wish to.

Hon. Mr. BEIQUE—It would not apply to Australia or to other important markets. I would suggest that the clause be made to read:

But to any of said articles in markets outside of Canada.

Hon. Mr. ROBERTSON—I do not know that the Australians or any other continental buyers object to their being labelled.

Hon. Mr. FERGUSON—Which clause provides for putting a date on the can? It is not clause 12?

Hon. Mr. LOUGHEED—I think that was thrown out.

Hon. Sir RICHARD CARTWRIGHT—That was for the time being dropped. I am bound to say that my own opinion is that all these articles of food in cans should be dated, but this is a tentative measure and we want to move slowly and not disturb the trade unnecessarily.

Hon. Mr. SULLIVAN—What is the use of inspection if the purchaser is not protected in some way, even for our own people? I would label lobsters particularly, as it would have the effect of stopping the use of them, because I do not think you can eat anything more unwholesome. Here are gentlemen from British Columbia on the west, and Prince Edward Island on the east, requesting that the can label be removed, simply to comply with the request of some packers for reasons that they cannot give, except for the sale of it. If is a melancholy fact that such a feeling does exist. I do not know when the spirit will arouse the people to insist on the names and dates being placed on all canned foods.

Hon. Mr. FERGUSON—The reason is this; the lobster trade is in an excellent position. It is a very lucrative business. The prices are satisfactory, and the reputation of the goods is all right to comply with the requirements of the European markets. It will spoil the trade altogether if you insist on placing your own label on the can. Then there is the further difficulty that in the lobster business there are any number of very small factories, and the expense of providing dies for the cans would be very great, and then if they were dated they would have to be changed continually and it would hamper and injure the business. I think the amendment the right hon. Minister of Trade and Commerce suggests will work all right, and I learn now that the date was omitted. The Bill was amended in regard to the date in the House of Commons, and that is not now a feature of the Bill. Therefore the amendment that is proposed will, I think, cover the case, and, as far as I can learn, it is only with reference to the European market, and more especially with the continental market, that the difficulty arises.

Clause 12 as amended was adopted.

No person shall offer or accept for export, or shall export, any articles subject to inspection under this Act, unless its requirements regarding inspection and marking have been complied with in respect to such articles.

2. No clearance shall be granted to any vessel carrying any carcases, or any portions of products thereof, unless they are duly marked in accordance with the provisions of this Act.

3. The provisions of this section shall not apply to meats intended for consumption on board the vessels by which they are shipped from a Canadian port.

4. At the request of the owner of any establishment, the inspector in charge thereof shall issue certificates of inspection for any carcases or portions or products thereof intended for export. Such certificates shall be in such form as is provided by the regulations.

Hon. Mr. POWER—As to subclause 3, why should the provisions of this section not apply to meats? Why should not the sailors on board the vessels, and other people, be protected as well as the customers on the other side of the water?

Hon. Sir RICHARD CARTWRIGHT—There is an immense number of little vessels that take small cargoes with them, particularly from my hon. friend's own province. You cannot require all those to have a certificate. The same rule prevents us in No. 5 from inspecting the carcases slaughtered by farmers.

Hon. Mr. BEIQUE—Is there any penalty in clause 15 ?

Hon. Sir RICHARD CARTWRIGHT—None that I know of, except the prohibition.

Hon. Mr. LOUGHEED—Clause 26.

Hon. Sir RICHARD CARTWRIGHT—Yes, clause 26.

Hon. Mr. POWER—Looking at clause 15, and subclause 4, it would appear it was the intention to have an inspector in each establishment.

Hon. Sir RICHARD CARTWRIGHT—Oh, no.

Hon. Mr. POWER—I am glad to hear it is not so, but that is what it reads like. Clause 15 reads :

15. In the event of the provisions of this Act, or any regulations, or the lawful instruction of an inspector not being complied with in any establishment, the minister may withdraw the inspector therefrom, and may refuse to it the inspection, marking and certification of the articles prepared therein, and may cause the establishment to be closed.

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman will look at clause 11, he will see that it describes what establishments shall have an inspector.

Hon. Mr. LOUGHEED—And an inspector may be in charge of many establishments.

Hon. Mr. POWER—Clause 16 deals with cases where inspectors have been established. The provisions of 3, 4 and 6, down to 10 apply to such establishments as are designated by order in council. It will be assumed that a good many will be designated, otherwise there will be no inspection, and, under clause 15, it does seem that there was to be an inspector in each establishment.

Hon. Sir RICHARD CARTWRIGHT—That is simply impossible.

Hon. Mr. POWER—The minister may withdraw the inspector therefrom.

Hon. Sir RICHARD CARTWRIGHT—An inspector may look after one hundred establishments.

The clause and subclauses were adopted.

Hon. Mr. BOSTOCK, from the committee, reported progress and asked leave to sit again to-morrow.

BILL INTRODUCED.

Bill (RR) An Act respecting the City of Toronto Yonge Street Bridge.—(Hon. Mr. Kerr.)

The Senate adjourned until Three o'clock to-morrow.

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## SENATE.

OTTAWA, Thursday, March 7, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (SS) An Act to amend an Act respecting the Canadian Assessment Policyholders in the Mutual Reserve Life Insurance Company.—(Hon. Mr. Domville.)

Bill (TT) An Act to incorporate the Ottawa Terminals Railway Company.—(Hon. Mr. Edwards.)

## INSPECTION OF BANKING INSTITUTIONS.

INQUIRY.

Hon. Mr. FERGUSON rose to call the attention of the House to the following extract from the presentment of the grand jury at the Assize Court in its recent sitting at Toronto :

We are of the opinion that it is the duty of the Dominion government to at once establish some system of inspection of our banking and other monetary institutions that will safeguard the investing public from deceitful and fraudulent statements issued by boards of directors, who apparently, in this institution, have been grossly negligent of their duty as trustees for the shareholders of the bank.

And the following reply of His Honour Justice Mabee :

His Lordship also referred to the fact that the grand jury had made a very timely suggestion in regard to the above matter, arising out of the failure of the Ontario Bank, and that undoubtedly the government would step in and enact a law for the stricter inspection of banking institutions.

And to inquire if it is the intention of the government to introduce a measure during the present session of parliament providing for an inspection of Canadian banking institutions ?

He said : I do not intend to make any observations upon this matter, although

the notice would entitle me to do so. I will reserve to myself the right to place another notice on the paper at a later date, after I have the answer of the government, and will then make some remarks on the matter.

Hon. Mr. SCOTT—It is not the intention of the government to introduce a measure, during the present session of parliament, providing for an inspection of Canadian banking institutions.

## TELEPHONE AND TELEGRAPH COMMISSIONER.

### MOTION.

Hon. Mr. DAVIS moved :

That in the public interest the government should appoint an expert officer in connection with the Board of Railway Commissioners of Canada, to be called a Telephone and Telegraph Commissioner, whose duties shall be to have full control, as regards construction, location, maintenance and operation of all telegraph and telephone lines in Canada.

He said : The reason I gave notice that I would move this resolution, is on account of the fact that I suppose is probably known to the majority of hon. gentlemen in this House, that the telegraph system in this country, at the present time, is not in the state in which a first-class service should be. My motion refers to the telephone service as well. I intend to take up the question of the telegraph service first, and, after dealing with that, I will briefly deal with the question of the telephone service in the country. I have made the statement, in the first place, that the telegraph system is bad, so far as the district from which I come in the western provinces is concerned. I am sure every hon. gentleman from that part of the country, in this House, will bear me out in the statement that the telegraph service is very bad.

I have known cases where people sending messages two or three hours before taking a train, have arrived at their destination a couple of hours before the delivery of the message. That is not exceptional ; it is of frequent occurrence in the west. With reference to the powers of the Railway Commissioners, I find they have no jurisdiction in this matter at all. I understand there is a telegraph expert in connection with the Department of Railways, and a portion of his time is devoted to the Railway Commission, to give them information or advice with reference to this particular subject ; but there is no authority in the Dominion at the present time to deal with the telegraph system. The telegraph service in a country like this is very important. All the business transactions of the country to-day are, practically, carried on by telegraph, and it is a serious matter that that service is not regulated in any way. It is a question that should be taken up and considered by the government. I believe the time is coming, and at no very distant period, when the telegraph system of this country will have to be taken over by the government. There is no reason why the government should not manage the telegraph as it manages the post office service. It is not right or proper that a telegraph system should be under the control of any railway corporation. All the news of the country is disseminated through the country practically under the control of the railway companies. There are many things that the people are interested in knowing ; but they must be filtered through the railway corporations. If a business man wants to get a low rate from a railway company that does not control the telegraph, he may have his despatch looked into by the rival railway company. We have heard of a listening board in Toronto in connection with the telephone, and I am satisfied there is something of the kind in connection with the telegraph system, and that through it the railway companies get possession of facts which they should not have in their possession.

Hon. Mr. POWER—If the government owned and operated the telegraphs and telephones, could they have a listening board just as well as if the lines were owned by companies ?

Hon. Mr. DAVIS—No, I do not think so, because there would be no object in doing so. There are many business men all over this country who have to ship freight, and they are trying to get the best rates possible, and the railway company that controls the telegraph lines is very anxious to find out these things and has an object in

keeping a listening board, whereas the state has none.

Hon. Mr. McKAY (Truro)—Except in elections.

Hon. Mr. DAVIS—My hon. friend evidently speaks with authority. He knows more on that subject than I do. If a man has a case before the Railway Commission or before the courts and wants to telegraph for witnesses, he must do so through a service controlled by his opponent, and I do not think that that is fair to the business men of the country. The only way to remedy the evil is to give the state possession of the telegraph system. However, my motion does not deal with that. What I am after is, to have the telegraph system regulated. I may be told that it should be under the Railway Commission, but the Railway Commission is over-worked at the present time. We have recently thrown upon the commission the telephone and express tolls, and it will be months, probably years, before they can deal with all this business. In the meantime the most important public service in this country, after the railways, is left without any control whatever. If we had another commissioner appointed, who would be practically a member of the Railway Commission, but who would have power to sit the same as the County Court judge and decide questions relating to telegraph and telephone service, subject to an appeal to the Railway Commission, we would get far better service. If there was an appeal, he would be able to make a digest of the evidence and hand it to his colleagues, who could deal with more questions in one day under that system than they can at present in a month. One of my principal reasons for bringing this motion before the House is this—I will not use any moderate language in speaking of the system—the people in my part of the country have been and are being robbed by the telegraph companies. That is putting it mildly, and, when I submit the figures to the House, they will say that I am speaking by the book. I do not see why the people west of the great lakes should pay more for telegraph service than the people east of the great lakes. It does not cost more to send a message 300 miles than to send it 100 miles, provided it does not have to be repeated.

That is a well known fact. A telegraph message from here to North Bay, if it is not repeated, would not cost the company any more than a message to Carleton Place. Then why should there not be a flat rate all over, where messages are not to be repeated? We should have a flat rate. Take Winnipeg as one point, and Edmonton as another; there is a distance of 827 miles between those two places, and the messages have not to be repeated—they have a straight wire right through. It does not cost any more to send a message to Edmonton, than to send a message 20 miles out of Winnipeg; but the company say 'Look at the distance and the cost of maintenance of that line?' But should the whole cost of that telegraph line be imposed on the cities of Winnipeg and Edmonton? All the stations between these points are doing business, and why should not each one of them bear a proportion of the cost of maintenance and construction of that line? So they do. It would not cost the company any more to send a message from Winnipeg to Edmonton than to send a message 20 miles for 25 cents. That is the rate they should charge; but they do not do it, because there is nobody to force them to do it at the present time. Now I shall quote some of the rates the people of the west have to pay, and will compare them with rates paid in the east. A short time ago I walked into a telegraph office here and asked the clerk in charge how much it would cost to send a telegram to Halifax? He said 30 cents. I looked up the distance and found that Halifax through Canadian territory is 949 miles from Ottawa, by the Intercolonial Railway. You can send a message to Sydney for the same rate, or to Prince Edward Island, which is in round figures 1,000 miles, for the same price, 30 cents. I said: I want to send a telegram to Fort William, which is, in round numbers, 850 miles; how much will that be? He said 75 cents. I ask, in all fairness, if that is right? Why should we have to pay 75 cents for a message which is sent 850 miles, for a service which the people here get for a longer distance for 30 cents? I shall read a list of the distances to go on

record in the Debates, so that hon. gentlemen will be able to compare them :

| | Miles. | Day rate. | Night rate. |
|---|---|---|---|
| | | Cts. | Cts. |
| Winnipeg to St. John | 1904 | 75 | 75 |
| " Victoria, B.C | 1500 | 75 | 75 |
| " Calgary | 840 | 75 | 50 |
| " Regina | 357 | 40 | 30 |
| Ottawa to Toronto | 256 | 25 | 25 for 25 words. |
| " Windsor | 489 | 25 | 25 |
| " London | 376 | 25 | 25 |
| " Hamilton | 310 | 25 | 25 |
| " Quebec | 275 | 25 | 25 |
| " Halifax | 949 | 30 | 25 for 25 words. |
| " Prince Edward Island. Charlottetown | 998 | 30 | 25 for 10 words. |
| Winnipeg to Port Arthur | 426 | 75 | |
| " Edmonton | 827 | 75 | |
| " Moosejaw | 405 | 40 | |
| " Calgary | 846 | 75 | |
| " Regina | 358 | 40 | |
| " Brandon | 133 | 25 | |
| " Portage la Prairie | 56 | 25 | |
| " Prince Albert | 587 | 60 | |
| " Battleford | 573 | 65 | |
| " Port Arthur | 426 | 40 | |
| " Ottawa | 1247 | 75 | |
| Ottawa to Port Arthur | 821 | 75 | |
| Winnipeg to Minneapolis | 448 | 50 | |
| Ottawa to Prince Albert | 1834 | 1 00 | |
| " Chicago | 759 | 50 | |
| " New York | .... | 50 | |
| Toronto to Quebec | 508 | 25 | |
| Ottawa to Fort William | 821 | 75 | |

Now there is the striking part of it ; between here and Halifax 30 cents for 949 miles, and Winnipeg to Calgary, 827 miles, it is 75 cents for the same service. Is that just? I think there should be some authority to look after those people, and see that they do not impose on the public the way they have been doing in the past.

Regina 358 miles, 40 cents. You can send double the distance in this country for 30 cents.

From Winnipeg to Prince Albert, 587 miles ; we have to pay 60 cents for ten words. These rates are all based on a ten words message. We pay 60 cents as compared with Halifax, 949 miles, in round figures, for 30 cents—just half the price.

Battleford, 573 miles, 65 cents.

Hon. Mr. CLORAN—How much for extra words ?

Hon. Mr. DAVIS.

Hon. Mr. DAVIS—I have not taken that up.

Winnipeg to Port Arthur, 460 miles.

Another matter that I wish to mention in dealing with this question is the manner in which it affects the press in this country. It is a well known fact that the people in the west have not been getting the telegraphic news that we should get, and I am to suppose that a great many people are not aware of the reason why we do not get it. The Dominion government, in 1903, passed an Act granting a subsidy to a newspaper organization in this country known as The Canadian Press Association. The reason why that was done was there was a general complaint in this country, that all the telegraphic foreign news that we got was filtered through United States channels, and, therefore, it was not to be relied upon, and a great many people in the country came to the conclusion that in order to get reliable news, we should have a Canadian Associated Press, who would establish in London an agency with a permanent resident agent there whose business it would be to collect the news and send it over here. The Dominion parliament voted a bonus towards this enterprise. The maximum amount of that bonus was to be $15,000 a year. The Associated Press was to pay dollar for dollar with the Dominion government, according to the money expended in this respect. That was to land this news in Montreal. A number of the newspapers in the eastern part of the country belong to the Associated Press, and I think each one of them had to contribute something like $1,000 a year in order to pay for the service. After the news is landed in the Dominion what do we find ? You can send that news all over the eastern provinces at the rate of 25 cents a hundred words. If it is sent to Prince Edward Island it will cost 30 cents, and if you send it to Winnineg, 50 cents. If you want to send it further than Winnipeg it will cost you one dollar. We have two daily papers in Winnipeg receiving the news, the 'Telegram' and 'Free Press,' and these are the only two papers west of Lake Superior that can afford to get the cabled news. In Regina we have two daily papers, and in Saskatoon we have two, and we have in Calgary two daily papers ; in Edmonton, two ; in

Vancouver, one or two ; New Westminster, one, and two in Victoria, but these papers cannot afford to obtain the Associated Press cables, because it costs too much. I believe it is considered that there is about 1,200 words in an ordinary column of print, and you can understand the severity of the tax, when it costs one dollar for every hundred words. Very few of the daily papers in the western part of the country can afford to publish the cable despatches because it costs too much. There is no reason for that. I believe that at the present time in the western part of the country, the telegraphic service that the newspapers are getting, is coming through the United States channels, simply because they cannot afford to get it through the Canadian channel. The object the government had in giving that grant to the Associated Press was to have all the transatlantic news coming to this country pass through a Canadian channel ; but the very fact that the telegraph companies in Canada are allowed to charge exhorbitant rates has shut them off from getting the news from that source, and it has to be brought in through United States channels on account of the high rates which the railway companies, who own these telegraphic lines charge. I think it is time that matter was dealt with by parliament. Every person in this country helps to pay that $15,000 subsidy to the Associated Press, but we are prohibited from receiving any benefit from it on account of these tolls. I think I am not far astray when I say that some action should be taken by the government to see that the people of the western country are not fleeced as they have been in the past. People here may be getting value for their money, but we in the west are not. Of course we hear the argument that the companies in the east have a great deal of work to do, while the companies in the west have not. I say—and I defy contradiction—that the telegraphic system in the west cannot handle the business promptly, because they have more work than they can do. Therefore that argument falls to the ground. I think it is reasonable and right that we should bring this matter before parliament and ask that something be done with reference to it. With reference to the telephone system, I included it in my motion because, naturally, if we had a commissioner to deal with one service he would have to deal with the other, and he could relieve the Railway Commission by being able to deal with the express companies tolls as well. The telephone system of the country is a source of annoyance all the time. There is hardly a session that some grievance is not brought before the House with reference to this question simply because it has never been taken up and grappled with in the right way. They will tell you that competition is the thing you want. Every reasonable and sensible man knows that you cannot have competition in telephone service. It is a monopoly in its nature and you cannot make anything else of it. What man in this country wants to have three or four telephones of rival companies standing on his desk if he is doing business ? It is said, 'Let us have competition to cut down the rates, and regulate the service.' That means, you will require to have two telephones on the counter. Then if those two companies amalgamate as they have always done, or entered into a private agreement, you are in the same position. The people are not then satisfied, and the third company may come in and you will have three telephone services. That cannot be worked out. People will suffer and put up with a bad service, with being robbed in the way of rates and matters of that kind, before they will pay for two services. I point to Yorkton, up in my part of the country, in the county of Mackenzie. A gentleman came in there, with no very large amount of capital, and started a telephone company in connection with a few of the merchants of the town. He is giving everybody in that town an up-to-date service. His telephones are one hundred per cent better than those of the old Bell Telephone Company, because it is antiquated plant that has been pitched out of the larger cities which they have forced on us. The gentleman I have referred to, supplies an up-to-date service, with up-to-date machines, and for one-half the sum the Bell Telephone Company are asking, and he is making money for the shareholders. He has extended his line all through the rural districts, and the farmers have a first-class telephone service for $15 a year. We have

a grievance with reference to the telephone system in the west, as well as with telegraph system, because it is not only the telegraph companies that are after the sheckels in the west. They all know we grow lots of wheat up there and are getting quite a lot of money, and these people are all after the money. I have not time to go into the whole question, but will compare a few of the rates in the west. I will refer now to the long distance telephone service :

Telephone rate.

| Al Two Minutes' Service. | Miles. | Day Rate. | Night rate. |
|---|---|---|---|
| Winnipeg to Morris | 40 | 40 | |
| " " Eli | 31 | 30 | |
| " " Latellia | 57 | 50 | |
| " " Winkler | 65 | 65 | |
| Regina to Balgonia | 18 | 35 | |
| " " Lumsden | 20 | 35 | |
| Dauphin to Winnipeg | 137 | 80 | |
| Winnipeg to McCreally | 140 | 60 | 2 min |
| " " Regina | 350 | 1.40 | |
| " " Whitewood | 250 | 1.00 | |
| Ottawa to Montreal | 116 | 50 | |
| " " Quebec | 268 | 1.50 | |
| " " Toronto | 255 | 1.75 | |
| " " Carleton Place | 32 | 25 | |
| " " Alexandria | 55 | 25 | |
| " " Smith's Falls | — | 30 | |
| " " Pembroke | 109 | 40 | |
| " " London | 376 | 2.40 | |

From Ottawa to Montreal, a distance of about 116 miles in round figures, as far as I can gather, by the way the telephone line runs, and the charge is 50 cents. In other words they charge 50 cents for performing that service for a distance of 116 miles, and they charge us 50 cents for 50 miles. They base most of their charge on the mileage in the west. Ten miles ten cents and so on, until you get into the territories, and then you find some beautiful examples of how people are treated with reference to telephones.

From Regina to Balgonia, on the main line of the Canadian Pacific Railway 18 miles, the people have to pay 35 cents. This is all for a two minutes service. From Lumsden, 20 miles from Regina, the rate is 35 cents, while from Ottawa to Montreal, over 116 miles, it is 50 cents ; to Carleton Place, 27 miles, it is 25 cents, and so on all down the line, so not only are we charged double by the telegraphic companies but we are also charged double by the telephone companies. It is about time that we had some relief from this octopus, because it is nothing else, the telegraphic system in the Northwest. They do not care when they transmit telegrams. Very often a lot of money may be involved in the necessity of getting a prompt answer, but when you send your telegram you may not get a reply in two days. I have a case of my own in mind now. Last fall I had occasion to go to Calgary from Regina, I sent a telegram to a friend of mine, Mr. Van Wart, asking him to meet me at the station on my arrival, as I could not stay long. I sent that telegram in the evening, expecting to leave half an hour afterwards. Unfortunately, one of those wrecks which have occurred so frequently of late took place, and the train did not leave Regina for five hours after I sent the telegram. When I got to Calgary, I met Mr. Van Wart at the station out of breath—he had just got my telegram and had to run to enable him to keep the appointment. If it had not been for the delay caused by the wreck, the telegram would not have been delivered until five hours after my arrival in Calgary. The same thing happened at Cartier, going up. I sent a telegram to a friend at Kenora to meet me on the arrival of the morning train, half-past five in the morning. I got there and went to meet my friend, but he was not there, I had to stay over the day, losing my pullman to Winnipeg. I went to a hotel and slept until nine, got breakfast and strolled down to the telegraph office and asked the operator why my telegram had not been delivered.. She said, 'I am just going to send it out now.' That was eleven o'clock in the day, twenty-four hours after sending the message to the telegraph office. These are illustrations of what we have to put up with. I think the time has come when the telegraph and telephone systems of this country should be under some control. We want somebody who will grapple with them and give us relief, and that is why I have brought this question before the House to day. It is a live issue, and I hope the government will see that something is done.

Hon. Mr. SCOTT—I am sure we are all sorry to hear that the people of Prince Albert have been so badly treated by the telegraph and telephone companies as re-

presented by my hon. friend. I am not going to discuss the general question with him further than to say that the fair judgment of everybody is that the value of a service depends on the conditions. The hon. gentleman gave us an illustration of the service between Ottawa and Fort William, a distance of 900 miles. The greater part of the way, the line runs through an uninhabited country where it is expensive to have it kept up. To illustrate what I am saying, we endeavour to keep up a telegraphic system between British Columbia and Dawson. It costs the people of this country forty or fifty thousand dollars a year, simply because there is only business at the two ends. The cost of keeping up lines in the particular sections to which he alludes is excessive. The department sends me this answer :

> The Board of Railway Commissioners already possess all the power proposed to be covered by the resolution. The commission has in its employ an expert electrician for telegraph, telephone and electric light, who advises on all work that comes before them, and the purposes for which an officer is suggested is already provided for.

I shall be glad to bring the remarks of the hon. gentleman to the notice of my colleagues, but we cannot accept the proposition he has submitted to the House, and I would therefore request him to withdraw his motion.

Hon. Mr. DAVIS—One swallow does not make a summer, nor does the illustration given by my hon. friend with reference to the line between here and Fort William establish his case. If he will go through the country from Edmonton to Winnipeg he will find it thickly studded with towns, every one of them flourishing, and that there is more business done in one of these towns than in three towns of the same size in the east. The wires are kept hot night and day. There is very little of vacant country between Winnipeg and Calgary, but there are towns doing an enormous business in the grain season and at other times. Because there happens to be a few rock piles between here and Port Arthur, that does not make out a case against me at all. With reference to the officer of the department, I have taken the trouble to find out what his powers are, and, as far as I can learn from the chairman of the commission, he has no power, and the commission has no power to deal with the matter. However, if my hon. friend wishes me to withdraw the motion, as he is leader of this House, I shall do so, and let the country deal with the grievance.

Hon. Mr. POWER—I am glad the hon. gentleman is willing to withdraw his resolution, because it goes a great deal further than he intended. It states that the duties of the inspector shall be 'to have full control as regards construction, location, maintenance and operation of all telegraph and telephone lines in Canada.' Those are almost unrestricted and unlimited powers which he askes parliament to give to one officer. That officer would have to deal with wealthy corporations. Telegraph and telephone companies are known to be, as a rule, very wealthy corporations. Looking at the revelations which are continually made with respect to officers of various corporations, does my hon. friend think that he can get any politically appointed officer, or an officer appointed in any other way, who can be trusted to deal with those immensely wealthy corporations ?

Hon. Mr. DAVIS—We can in the west ; I do not know about the east.

Hon. Mr. POWER—That is one of the practical questions the hon. gentleman should have considered. It seems to be a most unbusiness like and unreasonable proposition to put such power as that into the hands of any one man. I do not undertake to say that the Railway Commission are doing all that they might do ; but it would be better, instead of making a sweeping change of this kind, to call their attention to the necessity of attending to these abuses to which the hon. gentleman has referred. No doubt there are abuses to-day. There are two ways in which those abuses may be remedied. Either way is perhaps, not objectionable. The abuses may disappear in this way : as I understand it, at the present time there is really only one line of telegraph in that western country ; but a second line of railway has been built to Prince Albert and Edmonton, and a third line is about to be built, and it seems to me that when you have telepragh lines owned and operated by the Canadian Pacific Railway, the Canadian Northern Rail-

way and the Grand Trunk Pacific, there will be such competition as will reduce the rates to reasonable figures. I think the better way is not to be in a hurry, but to possess our souls with a certain amount of patience, and within a year or so these evils will be cured, without any government interference.

Hon. Mr. ROSS (Halifax)—The hon. gentleman from Prince Albert has made out a strong case. What are governments for? To remove injustice and to secure fair-play to the people. The time will soon come when it will be necessary for the government to acquire the telegraphic and telephone lines throughout Canada. That is the condition of things not only in the mother country but in Australia and New Zealand, and it is the only way by which justice will be done. Some of those companies are getting too rich, and when they get too rich they get too saucy. They defy the people, and the people have to suffer from inferior service or high rates. Therefore, I think that the resolution of my hon. friend should not be dealt with so summarily as it has been by the hon. Secretary of State. It should receive more consideration. I regret that the resolution has not received more attention from this House than it has had.

Hon. Mr. POIRIER—I entirely agree with the remarks which have been made by my hon. friend from Prince Albert. The abuses of which he has complained exist not only in the far west, but west of North Bay. I intended myself, in the course of the session, to bring this question up. It has been brought before the House in a masterly manner. I shall not go over the ground so well covered by my hon. friend, but will venture to answer the plea of the hon. Secretary of State which, in my estimation, is very specious. It is this, that because, in the west, there happened to be long intervening distances where there is no traffic for telegraph or telephone lines, the parties who live at the extremities of the lines should be made to pay double. That is neither right nor just, because, if it were, it would apply also to railroad fares. The railway fares are uniform, and if they are not uniform an injustice is being done. From here to Winnipeg the traffic is not as great as between here and Halifax. There are long intervals where there are few intermediate stations, and still the rates have to be the same. It is a matter of justice that they should be the same, and why should not the same principle prevail in the case of telephones and telegraphs. If those monopolists are losing money up west—a statement with which I am not prepared to agree—they certainly are making money down east and the surplus they have here should be used to reduce the rates up west. The rates should be uniform, and there is no reason why our friends in the west, because the country is young and the monopolists have special advantages, should be made to suffer and as in the case of telegraph communication be deprived of the advantage of having daily communication with the rest of the world. The telegraph and the telephone should be for the Dominion at large, and not for the benefit of particular sections of the country to the detriment of other sections. I therefore hope that the hon. Secretary of State will reconsider this question, and make up his mind to this, that sooner or later, but likely sooner, the question will have to be taken up, because it is one in which the Dominion at large is interested. It is moreover one of justice and fair-play, and although I am from the east myself, I love to give our friends in the west the same advantages that we possess in the east or as those possessed by the people of Ontario and Quebec, which happen to be in the centre.

Hon. Mr. BEIQUE—I desire to say only one word, it is because this discussion is rather unfair to the Railway Commission. I am not aware that the Railway Commission has ever been called upon to take action on the question which has been made the subject of the present discussion, and it seems to me that the first step to have taken should have been an application to them; then reasons would have been shown either for or against the application. It was only last session that we passed an Act placing telephones under the jurisdiction of the Railway Commission, and as far as the telegraph lines are concerned I think they are only partially under the Railway Commission. What is suggested by the hon. mem-

ber from Prince Albert is to appoint one man as a commissioner to act alone, for the purpose of dealing with telephone and telegraph lines. If that were done we would have the Railway Commission superseded entirely as regards a part of the equipment of railways, the telegraph lines.

Hon. Mr. DAVIS—My hon. friend is mistaken. If he had followed what I said, he would know that I wanted this commissioner to be appointed on the commission, with power to sit as a County Court judge, and his decision would have to go before the Railway Commission.

Hon. Mr. BEIQUE—The words of the hon. gentleman's resolution are 'to have full control'. Therefore by the very wording of the motion he would be a commission by himself.

Hon. Mr. DOMVILLE—The hon. member from Prince Albert has done a great service to the country in bringing up this matter. People who settle in the west have a right to be protected in this matter. I do not know what the government may feel about it, but my hon. friend will be glad to hear that the North American Telegraph Company have decided to extend their service to the northwest, and the rates will be reduced. I hope in this way my hon. friend's views will be met.

Hon. Mr. CLORAN—In reply to the hon member from De Salaberry, I may state that the hon. gentleman from Prince Albert took the pains to ascertain what the powers of the Railway Commission were in regard to this matter, so that the criticism of the hon. gentleman from De Salaberry was founded on an assumption which is not a fact. The hon. member from Prince Albert made it his duty to communicate with the Railway Commissioners, and asked the chairman, Judge Killam, if the Railway Commission could take action in the matter. I am given to understand that the answer of the chairman was that they had absolutely no powers with reference to the subject, so that the criticism which would otherwise be fair is not justified under the circumstances. I agree with several of the senators who have spoken, and especially senators from the east who have seen service in this country for a number of years, and are prepared to stand up for one of the junior senators from the west, and commend him for the good service he has done to this country. It is a proper stand to take when any representative of the people exposes before parliament a state of things which should not be tolerated. His action should not be snuffed out. The hon. gentleman has given to the House and country a statement of facts which is uncontradicted. He has shown that the people of the west are suffering from an intolerable state of things, and not a senator on either side of the House has undertaken to say that his statement of facts is not correct. He simply asks the government to take means to remedy an intolerable state of affairs. That is a very simple way of going about it. He does not dictate to the government what they shall do. He suggests that if the powers in existence are not sufficient to remedy the evil, the government should appoint an officer to deal with it. His resolution may not be drafted in proper form to meet the situation, but his ideas are excellent, and his object is to relieve the people of the west, and the country at large from an injustice. Although he has been asked in a very summary way to withdraw his motion, I think the matter should stand and be brought forcibly to the attention of the government. They should be made aware of the fact that the Railway Commission themselves admit that they have no powers, or at least no time, to deal with the telegraph and telephone companies, and that those companies are absolute masters of the situation. That is a state of things which must not continue in this country. The hon. member from Halifax says that these evils will remedy themselves. They will never remedy themselves. They will go on increasing, and I, for one, think that the hon. member from Prince Albert has done his duty in this House and to the people he represents.

Hon. Mr. DAVIS—It is generally understood in a debate of this kind that the mover of a motion has the right to reply.

Hon. Mr. POWER—But the hon. gentleman has replied.

Hon. Mr. DAVIS—I waited to see if anybody else was going to take part in this discussion but no one seemed ready to

speak, and I want now to reply to the hon. member from Halifax. I admit I am not as able to draft a motion to express what I mean, as the hon. member from Halifax himself, who has had a great deal of experience, but I thought I had made myself clear. I said I wanted to bring the matter before the House; that I did not want an officer appointed with all the powers of a Czar, but a commissioner who would be a member of the Railway Commission, with power to sit like a County Court judge, and I pointed out also that if all the commissioners had the same powers, with an appeal from the decision of any one of them, it would greatly facilitate business. My hon. friend tries to make out that I want to appoint a man who would have full control, and he says that if that man had to deal with wealthy corporations, he would likely be led from the path of duty. Surely there is an honest man to be had in this country, and if no one else can be found, I would suggest the appointment of the hon. member from Halifax, in whom I have great confidence, and who would fill the position to the great satisfaction of the people. The hon. member from De Salaberry says that this matter should be dealt with by the Railway Commission. I went to the Railway Commission and found that they have not authority so far as the telegraph system is concerned, and it is very hazy authority they have with reference to the telegraphs; more than that, they have more work than they can attend to. I found they had a pile of work on their hands, which cannot be dealt with for months, and possibly years. Surely it is not out of place, if there is a present necessity, to ask for the appointment of another official who will deal with this question of affording the people relief. The hon. Secretary of State wishes to have the motion withdrawn. I am perfectly satisfied to withdraw it. I have placed the facts before the country, and anybody can go to the telegraph offices and find for himself if I have given anything that is not a correct statement of facts. I say the people of the west are systematically robbed so far as the telegraph is concerned, and it is time we had relief.

Hon. Mr. SCOTT—In obedience to public opinion last year, the government placed the telephone system absolutely under the control of the Board of Railway Commissioners. Certainly no more competent jurisdiction could be secured. Public opinion pointed to them, and I have yet to learn that they have failed to appreciate the importance of giving the matter attention. I have here, under my hand, the authority given by statute over rates, making connections with other lines—absolutely giving them power to make any regulation which is reasonable or fair.

Hon. Mr. DAVIS—Have they done anything in the last year to reduce the rates or benefit the people of this country?

Hon. Mr. SCOTT—We are not to be the judge of that. We cannot be the judge. No more competent jurisdiction could be secured than the one under which the government have placed the telephone system. With regard to the telegraph lines it is competent for anybody, or any syndicate to form a telegraph company. There are dozens of telegraph companies all over this country. They get no aid or subsidy from the government. Therefore, why should the government be held responsible for their tariff?

Hon. Mr. DAVIS—Is that any reason why they should be allowed to rob the people?

Hon. Mr. SCOTT—I maintain that the government have gone as far as they could go in obedience to public opinion. In England a similar sentiment prevailed some years ago, and the government took over the telegraph and telephone systems. What has been the effect of that? The body of the people, who do not use the system, are being taxed large sums of money to keep up the system because it is costing the country more than when it was under private management. It is not fair for the hon. gentleman to blame the government because they do not interfere with the telegraph system. The incidents to which he has called attention are not those that should induce any government to interfere. Let the public in that vicinity form their telegraph system. The parliament of Canada can of course compel the large lines, the Great Northwestern and the Canadian Pacific Railway, to make connections with local lines, just the same as we can compel connections with the great telephone sys-

tems. The government are not open to any of the charges made by the hon. gentleman, of having neglected their duty with regard to either of those services.

The motion was withdrawn.

## OLD AGE PENSIONS.

### MOTION POSTPONED.

The notice of motion being called :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all correspondence in the hands of the government, or any department thereof, on the question of old age pensions to aged residents in Canada, or retiring allowance in any form.

Hon. Mr. McMULLEN—The Minister of Trade and Commerce having laid on the table a day or two ago a Bill on this subject, I have not had the opportunity of looking at it, and there are others in the same position. I think we should have an opportunity of examining it before discussing the subject.

The SPEAKER—There need be no motion ; it simply stands.

Hon. Sir MACKENZIE BOWELL—I was going to suggest that if we listen to a debate, or to understand the position of the hon. Minister of Trade and Commerce, the Bill should be in the hands of each member, so as to know really what he intends. Do I understand that the Minister of Trade and Commerce laid that Bill upon the table with a view of introducing a measure to be considered by parliament during this session ?

Hon. Mr. SCOTT—No, I think he distinctly stated that he did not. It was his own individual views.

The motion was allowed to stand.

## IRREGULARITY IN THE MINUTES.

Hon. Mr. LANDRY—Before the Orders of the Day are called I desire to call attention to what I consider an irregularity in those orders. On page 389, about the middle of the page, I find the following :

With leave of the Senate,

The Honourable Mr. Power moved, seconded by the Honourable Mr. Fiset,

That the Bill (R) intitled : 'An Act to incorporate the Bonaventure and Gaspé Telephone Company, Limited,' be placed on the Orders of the Day for a third reading to-morrow.

The question of concurrence being put thereon, the same was resolved in the affirmative, and

Ordered accordingly.

Perhaps I am mistaken, but I think this is a misunderstanding. I heard the hon. gentleman say that he would give notice that when the Bill came up to-day it would be read a third time, and not that he moved the resolution that the Bill be placed on the orders of the day for the third reading. I would certainly have objected if he had made such a motion, but I understood, and a few gentlemen whom I asked told me they understood the same thing, that the hon. gentleman was giving notice of the third reading for to-morrow. I think this should not be stated in the minutes as a fact which took place. He gave notice that he would move to-day that the third reading of that Bill should take place.

Hon. Mr. POWER—The minutes are correct as a record of what took place.

Hon. Mr. LANDRY—The hon. gentleman is judging his own case, and decides the minutes to be correct.

Hon. Mr. KERR—A very good judge.

Hon. Mr. LANDRY—Does the hon. gentleman know something about it ?

Hon. Mr. KERR—My recollection is entirely in accordance with the statement made by the hon. gentleman from Halifax.

Hon. Mr. LANDRY—Two judges. If the hon gentleman says he did so, I am obliged to take his word ; but I am astonished at his rising and moving with the leave of the Senate that such a thing be done. He could not make such a motion before the amendments were concurred in. How could he move that the third reading of the Bill be placed on the orders of the day when the amendments were not concurred in ? If that motion was carried yesterday, the Bill should be one of the first on the orders of the day. It should appear among those Bills the third reading of which is ordered for to-day. Rule 20 says :

Unless the Senate direct otherwise, Orders of the Day take precedence according to priority as follows :

1. Orders of the Day for the third reading of Bills.

That is the first order of the day. If that motion had been carried yesterday, why do we not find the Bill in its proper place to-day ? Because it was irregular. Because the amendments had not been concurred in; and in order to make the record complete, they had to commit another irregularity; they were obliged to put that Bill in another place than that which it should have occupied on the orders of the day. According to rule 20, the third reading should have been placed either as the first or fifth order of the day ; whereas we find it is the 18th order of the day. That is because the 17th order was a consideration of the amendments to that Bill, so, to be logical, they were obliged to infringe the orders of the House and to put that Bill in a place it should not have occupied, because it is contrary to rule 20. If that order has been passed, this Bill should be in its proper place on the order paper, and should not appear where it is. What was done in a similar case ? My hon. friend from Edmonton, the Hon. Mr. Roy, sometime ago moved suspension of the rules so that when the consideration of certain amendments would take place the third reading might immediately follow. What was the motion he made ? It will be found at page 379 of our minutes. He gave notice that when the amendments to Bill (I) were concurred in, he would move that rule 24 be suspended and that the Bill be read a third time. The effect of that motion would be in the third reading, but it was never placed on the orders of the day for a third reading. It was placed on the orders for concurrence, and when the amendments had been concurred in, the hon. gentleman would have been at liberty to make his motion, because he had given notice for that. I say if the hon. gentleman made his motion then the Bill should have been placed as our rules prescribe, one of the first items on the order paper, amongst the third readings, and that has not been done.

Hon. Mr. POWER—I do not propose to follow the hon. gentleman. There is not any rule that I know of which forbids the reading of a Bill the third time the same day on which the amendments are concurred in. There is a rule which says a Bill shall not be read the third time the same day on which it is reported from committee, but there is not any rule which hinders you from reading a Bill the third time on the same day on which the amendments are concurred in. However, I am not in charge of the Bill, and there is no urgency. I made the motion I did with a view of getting the Bill down to the House of Commons at the earliest possible date. I did not understand that there was any objection to the Bill as amended, but I understand the hon. gentleman from the Gulf division, who is in charge of the Bill, is quite prepared to let the third reading stand until to-morrow.

The SPEAKER—I am not aware that a written notice was given, or that a motion was made by the hon. gentleman from Halifax.

Hon. Mr. POWER—Yes, the hon. gentleman from De Lanaudière read the report of the committee on the Bill, giving the amendment, and then the hon. gentleman from De Lanaudière moved that the amendment be taken into consideration to-morrow. I thereupon move, seconded by the hon. gentleman from the Gulf division, that the Bill be read the third time to-morrow.

The SPEAKER—I have simply to declare that the minutes are correct ; but my idea was that the hon. gentleman was following the same course as was pursued by the hon. gentleman from Edmonton, and giving notice on the same lines, so as to suspend rule 24.

Hon. Mr. POWER—That would have been the better course.

The SPEAKER—But as there will be no third reading taken to-day, there need be no decision.

## REPORT OF INSURANCE COMMISSION.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to say that we have been furnished with five volumes of the report of the Insurance Commission, four volumes containing evidence and one containing the report. I have looked through all these volumes, and I find that the draft Bill which the newspapers say form a part of that report, or is attached to it, is not forthcoming. Nor do I find the exhibits that are referred to throughout the evidence. Are there any other volumes to be presented

to parliament, or has the draft Bill been submitted in some other shape? I have seen by the newspapers that the draft Bill prepared by the commission has been submitted to the House of Commons, and been laid on the Table. Now that may or may not be correct, but evidently the newspapers have got it and some extracts from it have been published, and it should certainly be in the possession of this House.

Hon. Mr. SCOTT—I ascertained that the draft Bill was printed at the 'Free Press office. The only copy of it which I received was the one presented to the House of Commons on the day on which the report was brought down, when it was laid on the table, on Monday or Tuesday. Then I asked the King's Printer to make the inquiry whether the 'Free Press' had printed, at the instance of the commission, a sufficient number of copies of the Bill, and I found they had not, and I at once gave orders, as they had it in type, to strike off a sufficient number for both Houses. So I presume that is being done and we should have the copies of the Bill very soon. They were printed entirely by the commission, and not at the Printing Bureau. They had given the job to the 'Free Press". The evidence was printed in Toronto by a firm there, because the commission sat there in the first instance, and it was arranged, in order to save time, that that firm in Toronto should do the printing, subject to the charges being taxed by the King's Printer here, and it is in that way we have been able to secure the printed evidence so soon. But I did not learn until recently where the report had been printed. In making the inquiry, I ascertained that only a limited number of copies had been struck off, sufficient to furnish them to both Houses. I presume we will get them to-day or to-morrow.

Hon. Mr. FERGUSON—When the Bill was presented to the House of Commons, would it not have been courteous that that Bill should have been presented to us at the same time?

Hon. Mr. SCOTT—I had only one copy.

Hon. Mr. FERGUSON—The hon. gentleman should have held it. Charity begins at home, and I think the hon. Secretary of State should have given that copy to us.

Hon. Mr. SCOTT—I thought the Finance Minister was the party entitled to the copy, and I gave it to Mr. Fielding. He laid it on the table of the House with the other papers. Following up the inquiry, I ascertained just what I have stated, that only a limited number of copies had been struck off.

Hon. Sir MACKENZIE BOWELL—Is this proceeding not somewhat extraordinary? Why should that Bill be printed separately and laid upon the table of the House? Who is responsible for it?

Hon. Mr. SCOTT—The commission.

Hon. Sir MACKENZIE BOWELL—The commissioners have made their report to parliament, and in that report they have recommended a draft Bill. Now it seems to me that no Bill of that character should be laid before the House except with the consent of the government, who must be responsible for future legislation. My object in giving notice of a motion for to-morrow was to ascertain what the position of the government was with reference to that draft Bill. That draft Bill, which is being circulated among the members, can only be considered as the opinion of the commission, for which no one is responsible, so far as parliament is concerned.

Hon. Mr. SCOTT—Yes, that is right.

Hon. Sir MACKENZIE BOWELL—So it matters not to parliament whether the Bill has been circulated either by the commission or by a private individual, except as circulars are sent to each member when some particular person desires to bring his particular views before parliament to be considered when a measure is before it. The whole thing is irregular.

Hon. Mr. SCOTT—I did not know, nor do I think any member of the government knew, that the commission were preparing a draft Bill. I learned it only a day or two ago, when we first received the draft report. In that report they referred to a draft Bill. I did not know where that draft Bill was. It was only after minute inquiry that I ascertained the draft Bill had been sent to the 'Free Press' office to be printed for the commission. The draft Bill was brought down simply as part of the report, and part of the evidence. The

government is in no way responsible for it. It was not at their instance it was prepared, and they knew nothing about it.

Hon. Mr. LANDRY—Why was that draft Bill not in the report ?

Hon. Mr. SCOTT—I do not know. We are not responsible for that.

Hon. Mr. FERGUSON—Does the hon. gentleman know anything about the exhibits ? There was one exhibit I was interested in looking at. It was referred to in the evidence as No. 685, I think, and when I looked for it I could not find any exhibits at all. I suppose we will receive four or five other volumes.

Hon. Mr. SCOTT—I think not. At least I hope not.

Hon. Mr. FERGUSON—We ought to have the exhibits.

Hon. Mr. SCOTT—I do not know where they are. I shall be glad to write to the secretary of the commission. The secretary came to me on Monday or Tuesday, and in a sealed package handed those papers to me, and he said : 'Mr. Scott, the commission desired me to hand those to you for the government.' On opening the package, I found a copy of the report in type, and it was marked on the cover of it 'for the printer'. In order to expedite matters, that was at once sent down to the printers to be printed. Then there were four volumes of the evidence, and there was this draft Bill among the papers. There was only a single copy. I did not examine it at the time. He made no reference to it in his letter. There were no other papers, no exhibits delivered. However, I shall write to the secretary, asking where the exhibits are ; I think they ought to go with the report and be deposited where they will be available for any hon. gentleman who wishes to see them.

Hon. Mr. FERGUSON—Will the hon. gentleman find out where the exhibits are ?

Hon. Mr. SCOTT—Yes, I will.

Hon. Mr. FERGUSON—I hope when the hon. gentleman receives a draft Bill of that kind again, and only one copy, that he will give it to the Senate instead of to the other House.

Hon. Mr. SCOTT—I thought it ought to go to the Finance Minister, as he had to do with insurance.

Hon. Sir MACKENZIE BOWELL—Would the hon. Secretary of State inform the Senate, by what authority the commission ordered the printing of four volumes of that evidence, and what authority they had to give it to any private printing office ? The usual practice of commissions, whether they are royal commissions, or any other commissions, is to make their report to parliament, and after they have made the report to parliament it is for parliament to say whether they shall go to the expense of printing that report for distribution or not. In this case it appears that the commissioners have not only taken upon themselves the responsibilty of ordering the printing of an enormous amount of evidence, covering four large volumes, but also the report and draft Bill. At whose expense ? At the expense of the government ? It is something new to me, and I fancy it will be new to the members of this House and to the government itself, that commissioners have the power to do what they have done. If the government in the power which it gave to this commission, authorized them to incur this expense, I fancy they would be justified in doing it. Could the hon. Secretary of State inform the House why the commission took upon themselves the responsibility of incurring this expense without being ordered to do so, either by parliament or by the government ?

Hon. Mr. SCOTT—The text of the commission was brought down, and hon. gentlemen will notice that the powers given to the commissioners were very wide. When they opened in Toronto, they proposed to sit for some weeks, and did sit for some weeks. Then this question of the printing turned up, and I do not know where the suggestion came from, but it was submitted to me whether the evidence could not, by arrangement, be printed at Toronto day by day as it was given. 'Well,' I said, 'if it is submitted to the King's Printer to tax the bill,' and it was arranged that any printing done under the order of the commission should be submitted to the King's Printer to say whether the charges were reasonable and fair. At the time I do not think any

one believed or appreciated that the evidence would be extended in the manner it has been, to require four volumes to complete it.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr SCOTT—Of close printed matter. It was a surprise to all of us to find it was so exceedingly voluminous

Hon. Mr. FERGUSON—One volume should have been enough.

Hon. Mr. SCOTT—However, there was no help for it. If the evidence had not been printed at the time, we should not have had it for a month yet. If we had waited for its presentation until the report was completed, it is doubtful whether we would have printed it at all, because it would have been evident that the expense would be greater than the advantage which would flow from it. So, in that way, it was printed off. In regard to the draft Bill, I never heard of it, or that they contemplated preparing a Bill until one copy was handed in with the report. Then I ascertained that the type was standing in the 'Free Press', and I said they had better strike off enough for distribution in the two Houses.

Hon. Mr. LOUGHEED—Can the hon. gentleman say whether it is the intention of the government to proceed with the subject-matter of the report during the present session?

Hon. Mr. SCOTT—No, I think not. It is too voluminous a matter to proceed with this session.

## HURON AND ONTARIO RAILWAY COMPANY BILL.

### SECOND READING.

Hon. Mr. YOUNG (in the absence of Hon. Mr. Gibson) moved the second reading of Bill (55) An Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Frost.)

Hon. Mr. LANDRY—I move, in amendment, that this Bill be not now read a third time, but that it be amended by striking out clause 2. This Bill asks for two things; one an extension of time for the construction of the main line; the other the authorization to construct branch lines. The whole of the railway system is in the province of Ontario, in the county of Huron. The main line has not yet been constructed, but, pending its construction, the petitioners seek authority to construct branch lines to a very great extent. As the Act incorporating this company was passed by the federal parliament, I think no objection could be taken to extending the time to enable the company to construct their main line. Though that law should have been passed by the provincial legislature, the fact that the company was incorporated by this parliament to construct a work which was declared to be a work for the general advantage of Canada, might entitle them to have their rights continued; but when they come asking for power to construct branch lines wholly situated within the province of Ontario, in fact constructing new railways under the pretext of building branch lines, it is time for those who believe in maintaining provincial rights to demand that those rights be protected. Therefore, while I approve of granting an extension of time for the construction of the main line, because the Act of incorporation was originally granted by this parliament, I do not approve of trespassing on the rights of the province of Ontario, by extending the power of the company to construct new branch lines, and that is why I made my motion. It leaves them power to construct their main line, which is all they should expect.

Hon. Sir MACKENZIE BOWELL—The statement made by the hon. senator for Stadacona is very forcible. If we are to respect the powers vested in the local legislatures, we certainly should accept the amendment. The fact that power was given under the original Act, some years ago, declaring this road to be in the general interest of the Dominion, might not have been correct. My own view is that it never should have been passed; but, having been passed, the position taken by the hon. member for Stadacona has a great deal of force in it. These amendments cover almost a blanket charter. They empower the company to build branch lines through some half dozen counties. I am sorry I was not present in the committee when this Bill was passed, or I would have taken objection there. It includes the counties of Dufferin,

Simcoe, Peel, Wellington, Waterloo, Perth, Huron, Middlesex, Lambton, Essex and Grey, all in the province of Ontario. In the legislature of Ontario, a Bill has been introduced and passed, declaring that local rights of this particular kind must be maintained, and that if the Dominion parliament passed an Act which is within the purview of the local legislature, the company so incorporated will be deprived of certain rights and privileges which the legislature of the province has the right to deal with. We are asked to set at defiance the action of the local legislature of Ontario at the present time.

Hon. Mr. POWER—I was under the impression that the Act of the local legislature, to which the hon. gentleman referred, was still under consideration ?

Hon. Sir MACKENZIE BOWELL—My impression is that it has passed. At all events, if we are to judge from the tone of the press on both sides of politics, taking the 'Mail' on one side and the 'Globe' on the other, it is supporting the action of the local legislature in reference to encroachments by the Dominion parliament on the rights and privileges of the province ; so I do not think there is the slightest doubt that it will become law. For that reason I think this House should take the position of throwing the responsibility entirely upon the different provinces to deal with questions which are immediately within their control, under the constitution of the Dominion. Unless the Dominion parliament has made up its mind to set at defiance the rights and privileges of the province, it will reject applications of this kind.

Hon. Mr. YOUNG—It is very unfortunate that the hon. senator who has charge of this Bill is not present himself, as he understands the subject much better than I do. Out of courtesy I made the motion so that the work of the House could be proceeded with, but I wish to direct attention to the fact that if any Bill has received ample consideration at the hands of the Railway Committee, this Bill certainly deserves to be classed as such. All the points which have been raised here were presented there, and very fully explained.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to refer to what occurred in the committee.

Hon. Mr. YOUNG—The hon. gentleman is right.

Hon. Mr. FERGUSON—My hon. friend from Stadacona might withdraw his objection, and let us hear what took place in the committee.

Hon. Mr. YOUNG—I wish to explain to the House, that as far as I can understand, this company has applied for legislation on several occasions. My hon. friend shakes his head ; I may be wrong, but that is my understanding. The original Act gives them power to build certain lines in Ontario, with steamship or steamboat connections. It has been granted an extension of time, and also the right to build the additional branch line which my hon. friend has mentioned. As I understand it, the company that controlled the charter until recently were not able to make any progress towards the construction of the line, but, as I understand, this charter has recently fallen into the hands of men who seem to be able to proceed with the work reasonably fast and will commence operations this coming spring.

Hon. Sir MACKENZIE BOWELL—Who are they?

Hon. Mr. YOUNG—I cannot tell; but if it is of interest to the House that the promoters should be known, I have no doubt, if the order is postponed, the information will be obtained. I am informed that the new aggregation in control of this charter are financially strong enough to proceed with the construction of the work just as soon as the frost is out of the ground in spring. That is why they ask for the further extension of time, and also to be authorized to construct further mileage. The fact that the road is entirely within the province of Ontario does not mean that this House should not deal with it, because the original charter deals with transportation on the lakes connecting Ontario with other provinces, and, apart from that fact, it is an extensive road which should be under the control of the Railway Commission. There is also the fact that

the original Act of incorporation declared this to be a work for the general advantage of Canada, and it strikes me we can very properly grant them the legislation they seek in this Bill. However, there are other gentlemen here who know more about the matter than I do. Possibly I have made a mistake in the motion I have submitted. I should have asked that the order be postponed until the gentleman who has charge of the Bill could be present to give information about it, because of his residence being in the immediate vicinity of the territory affected, and which I am sure would have convinced this House, as it convinced another body, that the legislation should be passed.

Hon. Mr. SCOTT—I am sorry I cannot concur with my hon. friend from Killarney. I was not present at the meeting of the Railway Committee. I knew that this Bill was coming up, but I had been at a former meeting, and from what I observed at that meeting I concluded it was not necessary for me to attend. My views are pretty well known. I must confess I was surprised that this Bill was reported without change. The charter goes back to 1896. It authorized the company to construct a railway from Port Perry to Kincardine, touching at Uxbridge and several other places, all within the province of Ontario. Those powers were granted eleven years ago, and I understand it is admitted that, so far, nothing has been done under the charter. Now, they ask not only for an extension of time but for the additional powers contained in the present Bill. That seemed to me rather too much. I confess I have acquiesced in many instances where we were practically intruding on the provincial prerogative. I did it because it was represented there were railway connections, and other causes which led the House to let it slip through. But such applications are becoming too frequent. Spasmodically this House has thrown out such Bills. I think the House of Commons passed such Bills, throwing on us the responsibility of rejecting them. If there ever was a Bill which came from the other House in which it was apparent that the provincial prerogative was absolutely taken away, it is this Bill. There are twenty-five or thirty places, all within the province of Ontario, mentioned in the Bill. This company obtained legislation in 1896, 1903, 1904 and 1906, each time getting some further privileges. It did seem to me that the motion made just now to strike out clause 2 was not extreme, allowing the charter to stand as it was originally passed and not throwing it out altogether. The company have power to connect with a large number of towns and villages in Ontario already. Any one looking at the statute of 1896, will find that they have very large powers under their charter. The Bill ought to have been thrown out in 1896 because the company did not pretend to make any outside connections or to be anything but a purely local work in the province of Ontario. I have noticed in the press, and from reports of proceedings in the legislature, that our actions here are subject to very extreme criticism. It is an important matter that the provincial and federal powers should keep on amicable terms in reference to their rights under the constitution. If they fail, where can they look to? The Senate of Canada is the guardian of provincial rights. At confederation, this subject was fully discussed, and although the British North America Act laid down very positively the exclusive powers which belonged to each, yet if one reads over the debates that took place before confederation he will find that whenever any reference was made to the rights of the smaller provinces being overridden the reply was, 'We have fixed the number of senators from the provinces so that the rights of the provinces are perfectly safe.' I shall just read one paragraph from the debate which took place at Quebec, in which Sir A. T. Galt discussed the relative powers of the federal and provincial authorities. Sir Alexander Galt was probably the progenitor of confederation. I think the first speech I ever listened to on confederation was delivered by Galt. It created a very great impression at the time, and he continued to take great interest in the subject. It was afterwards brought up in the London conference. Mr. Galt said:

> To the legislative council all the provinces look for protection under the federal principle. Therefore, we should in this respect define now the extent to which we should settle the constitution of the Upper House.

And, in doing that, they decided this way : while the representation in the House

of Commons will change and must change under the principle of representation by population, yet we will so fix the representation in the upper Chamber that even if the representation in the lower House is cut away altogether the province will still have guardians in the upper Chamber. That was the basic principle on which confederation was founded. Now, in confirmation of that, we find that Prince Edward Island came into the union with six members. On two different occasions that was cut down, and Prince Edward Island now has only four representatives in the House of Commons but has four senators. The four senators were made independent of any popular sentiment in the future—they were made part of the constitution of the country, and for the very purpose of protecting the province so that it could not be without representation. New Brunswick and Nova Scotia have had their representation in the lower House cut down. Do hon. gentlemen, who have been looking forward to the development of the great west, not appreciate the fact that the representation of some of the eastern provinces may be cut down, and that the representation of those great western provinces will probably exceed the representation of any other portion of the Dominion? But while the provinces towards the sea may have their representation diminished in the House of Commons every ten years, fortunately for them their representation in this Chamber will remain the same, so that they can always stand up and protect the rights of the provinces. Therefore, I say the Senate has thrown upon it a very grave responsibility. In fact, its raison d'etre, its necessity for existence, its only justification is that it stand for the provinces.

Hon. Mr. POWER—Oh, no.

Hon. Mr. SCOTT—The hon. gentleman says Oh no. I can give the views of Sir John A Macdonald, Sir Leonard Tilley and others to confirm what I say.

Hon. Mr. POWER—The hon. gentleman goes too far when he says that it is the only raison d'etre of the Senate. It is important I admit.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—I say for the argument I have made it is. The Senate, representing the various provinces, with a fixed number from each, incapable of change under the British North America Act, makes it perfectly clear that was the main point they had in view. What was the most important point in coming into confederation? Why the division of powers and prerogatives between the federal and provincial bodies, and what was to be its mainstay? The Senate, and their number was fixed, incapable of change.

Hon. Mr. FERGUSON—Would the hon. gentleman permit me to say that in the debate on the Confederation Act, in the House of Lords, Lord Carnarvon said that the principle of the Bill, as regards the Senate, was for the preservation of the rights of the provinces.

Hon. Mr. SCOTT—I recollect it. I had the opportunity of hearing debates on the subject, long before confederation took place, and the legislative council and its successor, the Senate, became the guardians of the provinces. It is perfectly clear, according to the British North America Act, that this company is a creature of the province—'In each province the legislature may exclusively make laws in relation to matters coming within the class of subjects hereinafter enumerated—that is to say, 'local work and undertakings.' Surely nobody will deny that this is a local work and undertaking. The evidence is clear. Read the Bill; read the original charter. They do not profess to be other than local. Under this charter they may build between two intermediate points without building any of the other sections.

Hon. Mr. McMILLAN—I should like to know where the steamboat and navigation come in?

Hon. Mr. SCOTT—I let those Bills go when they do not trench very much on provincial jurisdiction, but where a Bill of this kind is brought in, providing that the company's line may touch some twenty-five places within one province, without going outside of the province, it is too much to ask the Senate of Canada to abrogate entirely the most sacred duty it holds as guar-

dian of the provinces. If this Senate is no longer the guardian of provincial rights, what are the provinces to feel on the subject? Year by year the House of Commons will naturally and necessarily obtain more power, because this is a stationary body. The numbers there will increase from time to time, and, therefore, we have to recognize that we have a responsibility in this matter —that it is not a matter of choice. We have to ask ourselves, are we to give evidence for the reason we are here. We are told we are here for the purpose of seeing that the dividing line between the federal and provincial jurisdictions is sacredly observed. I confess we do not do that scrupulously. We allow a great many Bills to go through now and then, and then we pull up and throw an objectionable Bill out; but in this case it seems to me a shock that we should be asked to allow a charter of this kind to be approved by the parliament of Canada, where there are twenty-five or thirty local works within the province to be constructed. The original charter was certainly wide enough. That charter was granted in 1896. Are we not doing fairly by this company if we say 'Gentlemen, we will give you the extension of time, but you have a good deal to do before you commence on the works enumerated in section 2. Build them first. If at a future day parliament think that you have established a right to be a federal company, well and good.' I say nothing on that point, but it seemed rather a shock to say that the company should have additional power to build to a number of other places before they have commenced to construct any portion of their line.

Hon. Mr. BEIQUE—Is it the opinion of the hon. Secretary of State that this House should invariably refuse to assume jurisdiction whenever a Bill is presented to incorporate a line entirely within one province?

Hon. Mr. SCOTT—If the hon. gentleman had followed me, he would have heard that I qualified my remarks in that respect. I said we had allowed Bills of a local character to pass in many instances and may do so again, but the case that is now submitted to us is an extreme one. In all my experience in parliament I have never known any company, federal or provincial, to ask for the extended powers obtained in the charter granted in 1896, and the Bill now under consideration. I simply took it up as an extreme case. I qualified my view in that way—we had done it, and probably would do it again, but when a gross case came, one that had excited comment, a case that had been brought up in the legislature, and where, at the present moment, there have been some pretty sharp criticisms not only by the party in power, but by the opposition in the legislature, I thought it was time to speak. Mr. Graham, the leader of the Liberal party in the provincial legislature, was just as strong in his condemnation of the action of this parliament on the federal Acts that are encroaching on provincial rights, as was Mr. Whitney. The people he represented felt in that way, and he expressed the views of the Liberals, as Mr. Whitney did of the Conservatives, and the situation became a very grave one. We should not set ourselves up against the two parties in one province. They said 'We shall pass some Act which will reach those companies you are incorporating—we will reach them by taxation if you persist.'

Hon. Mr. ROSS (Middlesex)—I agree with the leader of the House, that we might go so far as to extend this charter for another period of two years, though a company chartered eleven years ago should have accomplished something before now under the charter granted them in 1896. I see no reason, however, inasmuch as the company has done nothing up to date, why we should extend the jurisdiction of the original charter. They have had eleven years in which to do something. The House was good enough, two years ago, to extend that charter again. They were given a sort of roving commission all over Ontario to build some 500 miles of railway, but up to this time they have done nothing, and, in the face of that failure, they are asking this House to almost double the extent of the original line of railway. If we extend their original charter for two years more, they will have a main line to build, if there is a main line of railway to this project at all. I have not found a spinal column in it, notwithstanding my examination. It begins here and goes to a certain place,

begins in another place and goes somewhere else, and the company has done nothing yet. The most the company should ask for, is the privilege of an extension for two years. On the question of provincial rights, I have a strong feeling; but, as a new member, I felt some hesitation in putting my views before the House. Two years ago the provincial legislature passed an address protesting against the power exercised by this parliament, bringing under Dominion jurisdiction provincial lines that intersected Dominion lines such as the Canadian Pacific Railway, the Grand Trunk Railway and the Great Western. The protest was unanimous, both sides agreeing. That was a much smaller matter than assuming control over provincial steam railways and adding thereto control over provincial radial railways, for which the argument is weaker. In 1903 a similar opinion was expressed, both sides agreeing unanimously. It may be a fine point to decide when railways come within Dominion jurisdiction, and when they do not. I do not know that I would at present commit myself to the abstract question. There may be reasons of expediency in the public interest, when what appears to be, by a certain construction of the law, a provincial railway might be more useful, under better control and serve the public interest if it came under the jurisdiction of the Dominion Railway Commissioners. That is a matter to be argued, perhaps, in each case; but in this case I see no argument at all. If the company wants to borrow money in foreign parts, it surely has a basis on which to borrow very largely for the construction of the miles of railway required under the original charter. I believe it is argued that if they get the larger privileges, they can borrow money more easily. I do not know whether that is a good argument or not. I would rather say it was easier to float four or five millions of money in the British or French markets, than double that amount of money. But, be that as it may, if this company gives assurance of good faith, builds what it proposed to build under its original charter, and this is the proper place to come to for power to build additional branches, I do not think any member of this House will be stopped by any action he may take to-day from granting this further privilege. Or if it appears that it is a proper privilege to be given by the provincial legislature, and only by the provincial legislature, I would be prepared to give my personal guarantee that the Ontario legislature would not refuse to any well authenticated company the right to construct any number of branches they like. The policy of Ontario is to gridiron the whole country with a radial system; but the policy of the people of Ontario, as I understand it, is, so far as possible, to keep the control of that system under the provincial legislature. I do not know that this House could do anything that would more estrange itself from the public sentiment of that province—I cannot speak for any other—than, by a gradual process of pressure and elimination, withdraw from the provincial legislature privileges which that legislature believed to be rightly belonging to it.

I do not think we should quarrel with the legislature, nor do I think we should be afraid to quarrel with the legislature or any body or any thing, if, by so doing we are advancing the public interest; but if we establish a feeling of estrangement between this House and the provincial legislature, unless it be for good reasons, I think as a matter of policy and good feeling and administration, it would be a mistake for us to do so. For these reasons, I think we might very well—so far as I am concerned, I feel it to be my duty—agree to a further extension of this charter, to see whether the company is exercising good faith, and, although I would not pledge myself in advance, I would not at all events close my judgment against giving them branches if it were found that by so doing the public interest would be served without any undue encroachment on the powers of the local legislature. I hope that this view will prevail with the House.

Hon. Mr. POWER—I agree with what has been said by various hon. gentlemen, as to the desirability of defining the jurisdiction as between the Dominion and the provinces, and I think hon. gentlemen who have been for any time in the House will give me credit for having generally taken the provincial side; but that is only when taking that side is consistent with justice and fair-play, and I hold that in the

present case it is not so. This company, whose Bill is before us, was incorporated in the first session of 1896, and in its original charter it was declared to be a work for the general advantage of Canada. Therefore, under the British North America Act, this work came under the jurisdiction of this parliament. So that hon. gentlemen will see that it is not the case of a company coming here for a new charter. The company got a charter and came under our jurisdiction. That original Act of 1896 was amended in 1903, and again in 1904 and again in 1906. Now, if the views which have been expressed this afternoon had been held during those years, I think it would have been well to have expressed them, and to have stopped the measure from going any further.

Hon. Mr. SCOTT—They did not ask for additional powers.

Hon. Mr. POWER—I think they did ask for additional powers. I shall deal with that matter. The original charter authorized the company to build—I think one of the termini of the road was to be at a port on Lake Ontario, and the company were to have power to connect with steam vessels on the lake.

Hon. Mr. SCOTT—I read the clause. I copied it from the Bill—'From a point in the town of Port Perry, in the county of Ontario to the town of Kincardine in the county of Bruce'.

Hon. Mr. POWER—Section 5 of the original charter provides that:—

> The company at any point where the railway, or any branch thereof touches or crosses any navigable waters, may, for the purposes of its business, build, equip and operate docks, and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharfs and buildings, and may, in connection with its railway, convey passengers and freight.

There was very great ground, I think, for declaring this to be a work for the general advantage of Canada. The position is this. This company has a right today to build ships and run them in connection with its railway, starting from this port on Lake Ontario, and they come to parliament and say: 'We can do better if we make our road less local.' The original scheme did provide for a road which was a very local one, but this clause which it is proposed now to strike out of this Bill really proposes to take the road out of the category of local roads. There is to be a through line across from Collingwood on Georgian bay, so that that part of the road will be for the accommodation of the grain traffic coming west of Collingwood to the canal.

Hon. Sir MACKENZIE BOWELL—Down where?

Hon. Mr. POWER—Down to the eastern lakes. Then the paragraph (a) gives this company the power to go to Windsor and also to Sarnia. The effect of that is that under the charter, as proposed to be amended, this will not be in the strict sense of the word a local undertaking at all. It will be an undertaking, one section of which will form part of the route from the west to the lakes, and the other will form part of a road with two branches connecting with United States roads at the border. Now, where else could the company go for such powers? These gentlemen say they have made arrangements to get their money, with the understanding that no obstacle would be put in the way of getting this change in their charter. If we refused to make this change, what would happen? I fancy the result will be that it would be quite impossible, as it has been found in the past, to secure the capital to go on with this work, just because, in its present condition, it is almost purely a local undertaking, although it was chartered in the first session of 1896 as a Dominion work.

Hon. Mr. LANDRY—They have three millions of capital.

Hon. Mr. POWER—That is the impression that is made upon my mind, at any rate. Where could these promoters go? Where could the people who are undertaking this work go if this parliament says it will not give them these powers?

Hon. Mr. SCOTT—To Ontario.

Hon. Mr. POWER—They cannot go to Ontario, because the session of the Ontario legislature is over practically now.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. POWER—They cannot go to Ontario ; and then possibly the very fact that they had come here first might prevent them getting what they looked for in Ontario. I must say that I feel, strong advocate as I am for provincial rights, that in the present instance this is not a case in which to press this doctrine of provincial rights to an extreme, and this is an extreme. If there had not already been a charter from the Dominion, and the company had not undertaken certain operations on the strength of that charter, and on the strength of the practibility of getting this measure through, it would be a different thing. If this company came here to-day for the first time, as they came in 1896, I should vote against the charter ; but I do not think it is fair or just to withhold from the company now the privileges which they have asked for.

Hon. Mr. KERR—I should like to have an opinion from the hon. leader of the House in regard to what the government policy really is, because after hearing these remarks, I must confess that if that is the government policy, I do not know what it is. Is it that provincial rights in a definite form, absolute rights are to be preserved, and that when a railway or work is wholly within the province and local in its character, although extensive, that we are here to stand up as the champions of the province and uphold the powers of the people with respect to that legislation ? I will be glad to know whether this is to apply to this particular Bill only or to all Bills before this parliament this session ? I shall be glad to know whether the hon. gentleman intends to apply it to Bills which have already passed and which have not yet received the royal assent ?

Hon. Mr. SCOTT—No. I stated that we had, in the past, and probably would in the future, allow many Bills, where the point was doubtful, to become law. But this was a gross case, one which certainly had no parallel in my experience in the Senate. We have passed many Bills, and probably will pass many more which deal with local matters, but not to the extent this does.

Hon. Mr. KERR—I move the adjournment of the debate. I feel that we are opening up a very large question and, as one of the supporters of the government, I should like to know where we stand. I should like to know whether the Jordan Heat, Light and Power Company, incorporated the other day, supported by the hon. gentleman himself, was of such a magnificent character that it should be treated in one way, and another measure embracing 473 miles of railway is to be treated in a different manner ; in other words whether 1,100 feet of ditch in the Niagara peninsula, which received a certain treatment, and 473 miles of Railway in Ontario, are not to receive the same treatment. I should like to know whether the addition of 200 miles is to be treated one way and a little ditch is to be treated in another way. I should like to understand these things, so that when we go to committee I can form an opinion. I think the supporters of the government are entitled to know whether it is the policy of the government, or the individual policy of the hon. gentleman leading the House. It seems to me it is impossible for hon. gentlemen to know where we are drifting if this is permitted to go much further. We have had charters for railways a few miles long, and all in one province, passed in this House this session. There are half a dozen Bills now on the order paper. The one which has been adjourned is about a railway fifteen miles long, in the province of Quebec.

Hon. Mr. LANDRY—It has not passed yet.

Hon. Mr. KERR—I know it has not.

Hon. Mr. LANDRY—We will attend to that one.

Hon. Mr. SCOTT—We have another one on the order paper to-day.

Hon. Mr. LANDRY—Not yet passed.

Hon. Mr. KERR—The question is what are we to do? Are we to make fish of one and flesh of another? Are we to see who is the promoter of the Bill and support it perhaps on that ground rather than to support it on general principle and general grounds? These are matters in regard to which we should have an understanding. I for one protest against this course. I quite agree that each individual case should

be dealt with on its merits, but that where there is a large proposition it should not be singled out and where there is a small proposition it would be allowed to go through. That is what I was anxious to get information about, and if I could get information about that, I would know then what to say. Perhaps the hon. gentleman would favour me in that regard?

Hon. Mr. LOUGHEED—Has the hon. gentleman from Toronto left his discretion at home in Toronto, or brought it to Ottawa with him?

Hon. Mr. SCOTT—I heard the debate on this matter ten days ago and from reading that debate and reading the Bill I formed my views. The members of the government may have different views. I am expressing my own views on the question.

Hon. Mr. KERR—I move that the debate be adjourned until Wednesday next.

The motion was agreed to.

## MALONE AND HOPKINS POINT RAILWAY COMPANY.

### THIRD READING POSTPONED.

Hon. Mr. CLORAN moved the third reading of Bill (12) An Act to incorporate the Malone and Hopkins Point Railway Company.

Hon. Mr. LANDRY—I think that should stand over until we know the disposition of the other Bill.

Hon. Mr. YOUNG—This road runs to Malone.

Hon. Mr. LANDRY—I move that the Bill be read the third time this day six months.

Hon. Mr. DAVID—I second that motion.

The amendment was lost on division.

Hon. Mr. POWER—Inasmuch as the question involved in this case is about the same as that in the Bill which has been postponed until next week, I would move in amendment to the motion for the third reading that the Order of the Day be discharged and that the Bill be placed on the Orders of the Day for Wednesday next.

Hon. Mr. CLORAN—I have no objection to the hon. gentleman taking twenty-four or forty-eight hours to read the Bill over, and he will see that although it is being built within a small county in Quebec it is still to terminate in the United States. That is the only saving point in it, and if it were not for that I would be opposed to it. The road will be of no use unless it makes that connection.

The motion was agreed to, and the Order of the Day was discharged and placed on the orders for Wednesday next.

## THIRD READING.

Bill (P) An Act respecting the Inspection of Electricity.—(Hon. Mr. Scott.)

## COLLINGWOOD SOUTHERN RAILWAY COMPANY BILL.

### SECOND READING POSTPONED.

Hon. Mr. McMULLEN moved the second reading of Bill (OO) An Act to incorporate the Collingwood Southern Railway Company.

Hon. Mr. POWER—Is this road not altogether within the province of Ontario? We are committing ourselves to the principle of the Bill by allowing the second reading to take place.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain where it begins and where it ends?

Hon. Mr. McMULLEN—I was asked to take charge of the Bill in the absence of another member of the House, and I agreed to do so, but I am not able to give a clear explanation to the House.

The Order of the Day was allowed to stand.

## SECOND READINGS.

Bill (PP) An Act to incorporate the Live Stock Insurance Company of Canada, Limited.—(Hon. Mr. David.)

Bill (27) An Act respecting La Banque Nationale.—(Hon. Mr. Bolduc.)

Bill (31) An Act to incorporate the Northwestern Trust and Loan Company.—(Hon. Mr. Lougheed.)

Bill (63) An Act to incorporate the Protective Association of Canada.—(Hon. Mr. Mitchell.)

Bill (73) An Act respecting patents of the International Paper Company.—(Hon. Mr. Young.)

## YONGE STREET BRIDGE BILL.

### SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (RR) An Act respecting the city of Toronto Yonge Street Bridge.

He said: I ask the House to allow this Bill to be read a second time, in order that it may go before the Railway Committee at its next meeting. It is a very important Bill. It is a public Bill, providing for the building of a bridge at the water front in Toronto, which is absolutely necessary for the preservation of health and life. Under these circumstances, I ask the indulgence of the House.

Hon. Mr. LANDRY—I do not know whether we can accept that motion. The Bill is not printed either in French or English

Hon. Mr. KERR—It is printed. Whether it has been printed for distribution or not I do not know, but when I read it the first time I handed in a copy, so that I know the Bill is printed to some extent.

Hon. Mr. LANDRY—Explain it.

Hon. Mr. KERR—It is providing for the construction of a bridge at the foot of Yonge street, where Yonge street crosses the railway tracks of all the railways going into Toronto. The bridge will extend to the wharfs, where all the steamers land. There are thousands upon thousands of people crossing these tracks every day at that place. There has been great danger to life. Many accidents have happened, and, in consequence of that, an application was made to the old committee of the Privy Council, and an order was made requiring the railways to build a bridge and pay for it entirely, apportioning the money between the Canadian Pacific Railway and the Grand Trunk Railway. That order was appealed against by one of the railways, if not by both. Unfortunately, just at that time, our new Railway Act was introduced, and it became law, repealing the provisions which enabled the Privy Council to hear appeals and it did not make provision in the Railway Act for this appeal from it. Accordingly, the following session, an amendment was made to the Railway Act, which enabled an appeal to be made, and from that there was an appeal to Ottawa, and from that there is an appeal now pending to the Privy Council. In the meantime, life is in danger and what the city has said is, 'Let us build the bridge, and let us determine afterwards who is to pay for it.' That is the provision.

Hon. Mr. SCOTT—I can confirm what the hon. gentleman has said. Efforts have been made for the last two years to have the bridge completed, but it has been thwarted by the litigation between the railway companies. It has been recognized by the government that the bridge should have been built ten years ago.

Hon. Mr. LANDRY—What kind of bridge is it?

Hon. Mr. KERR—It is a high bridge over the railway.

Hon. Mr. LANDRY—Is it a federal matter?

Hon. Mr. SCOTT—Yes, it is over the Grand Trunk Railway.

The motion was agreed to, and the Bill was read a second time.

The Senate adjourned.

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# SENATE.

OTTAWA, Friday, March 8, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## LEGISLATION RESPECTING LIFE INSURANCE.

The order of the day being called:

Will call the attention of the government to a statement which has appeared in the press, to the effect that there is to be no legislation during this session upon the subject of life insurance, and inquire of the government whether it approves of the suggestions and recommendations made by the Royal Commission appointed to inquire into and report on the affairs of life insurance companies doing business in Canada, and whether said suggestions and recommendations are to be embodied in a Bill to be introduced into parliament for adoption this session.

Hon. Sir MACKENZIE BOWELL—The informal discussion which took place yesterday, on the orders of the day being

called, has answered to a very great extent the question which I propose to put to the hon. Secretary of State. However, in order to have a formal answer to these questions placed upon record, I will call the attention of the government to this inquiry which I have placed on the paper. A statement has been made in some of the papers representing the government that no legislation was to be laid before parliament on this subject during the present session; then I noticed in another journal a statement that a Bill had been laid upon the table of the House of Commons, not knowing at that time that that Bill was merely a recommendation from the commissioners. I was somewhat puzzled to know why it was that that information had not been given upon so important a matter to the Senate as well as to the House of Commons. It is also important that the public should know, particularly those who are interested in life insurance, what the policy of the government is, if they have formed any policy up to the present time, and whether that policy would be in accord with the suggestions made by the Royal Commission in the report which was laid before parliament. Speaking for myself, I think there are many of the suggestions made by the commission that would be accepted by the people as being in the right direction. There are other suggestions so drastic in their character that I question very much whether any government would ever adopt them, and whether, if adopted, they would be in the interest of the policy-holders or of the companies themselves. Having made these few observations, I trust my hon. friend will be in a position to inform us what the policy of the government is on this very important question.

Hon. Mr. SCOTT—I explained to the House yesterday that the papers sent to me where only a single copy of the Bill and a single copy of the evidence. I handed them to Mr. Fielding, and they were presented to the House of Commons, the object being that if any printing had to be done—because one contained a copy of the report—prompt action should be taken. The Bill itself submitted by the commission has only been distributed to-day. I do not think any colleague of mine has read it, and we have had no opportunity of discussing it, and the House and country can scarcely expect the government would commence the consideration of so important a subject at this period of the session. It will have to stand for another year, and will be fully considered, of course, before any measure is brought down for the approval of parliament. The hon. gentleman asked me yesterday about the exhibits. I have a copy of them here that I got from Mr. Ross, the clerk. A list of them has been ordered to be printed, so that hon. gentlemen can have an opportunity of seeing them. They are very voluminous. It is not at all probable that it would be justifiable to print the whole of the exhibits. The list will be printed and distributed for use of members as soon as possible.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that the government has not formed any opinion as to the recommendations made by the commission?

Hon. Mr. SCOTT—Yes, that is what I said.

Hon. Sir MACKENZIE BOWELL—I scarcely expected the government, under the circumstances, would lay a Bill before parliament unless they had in their possession the recommendations of the commission for some time. In reference to the exhibits which have been laid on the table, I see no reason why, after so large an expenditure has been incurred in printing the four volumes of the evidence and the report, they should not also print the exhibits in full, so that both Houses of parliament and the country may have before them a complete record of everything that took place before that commission?

Hon. Mr. SCOTT—It is not proposed to print all the exhibits, but to print the index of them and any hon. gentlemen who wants a particular voucher or exhibit can easily apply to the department and get a copy of it.

Hon. Sir MACKENZIE BOWELL—Where will they be available?

Hon. Mr. SCOTT—In the Finance Department. They are in charge of Mr. Ross, who is the clerk.

Hon. Sir MACKENZIE BOWELL—I think it would be better to have another volume.

Hon. Mr. SCOTT—The better way, it was thought, was to publish a list defining the exhibits and if any hon. gentleman wants to see a particular exhibit, or exhibits, it is easy to have a copy made and laid on the table.

Hon. Mr. FERGUSON—While it may be very desirable from the insurance companies point of view, and the point of view of the public as well, that this question should be approached and dealt with as soon as possible, I can't help expressing my opinion that the hon. Secretary of State, speaking for the government, said a wise thing when he stated that the government will not deal with it this sesison. It would be a great mistake to take up so important a question, with such a great mass of evidence and such a voluminous report as we have before us, and attempt to deal with it at the end of a session, which is already somewhat extended. I also think we should cry 'enough' with regard to the matter of printing. We have four great volumes of evidence, and the voluminous report of the commissioners on this subject. I thought of Horace Greely when he wrote the book 'What I know about farming.' These gentlemen who knew very little about life insurance companies when they commenced their job, and who know very little about it still, should entitle their report 'What we know about life insurance.' I will give one illustration from their report. On page 13, they say this with regard to the Canada Life Insurance Company :

> But it is equally manifest that if the inherent power of the additional capital is only 46·7 per cent its engagement in the affairs of the Canada Life without any real need is a simple method of raising that earning power to 8 per cent, the difference under whatever name being necessarily taken away from the policy-holders whose accumulations have earned it.

It is the easiest thing in the world to make a calculation of the subject, and you will find that last year the policy-holders were benefited by having that capital called up to the extent of over $35,000, and yet these commissioners have put that statement on record to go out all over the country to damage the affairs of one of our largest insurance companies.

Hon. Mr. SCOTT—Although 3,000 copies were first ordered, the House of Commons has thought proper, after the type was partially taken down, to order 2,000 more, so there will be 5,000 copies of the report distributed.

## CANADIAN MUSICAL AND DRAMATIC ASSOCIATION (LIMITED) BILL.

### A QUESTION OF PROCEDURE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would ask permission to call attention to what I may describe as a matter of urgent public importance as regards a reference a few days ago of a Bill to the Private Bills Committee. The Private Bills Committee will sit probably on Wednesday, and I would ask permission of the House to make two motions, one to read the Orders of the Day, of Wednesday last, relating to Bill (I), which brings in the amendment proposed by my hon. friend from Halifax, referring the Bill to the Private Bills Committee, with instructions to further amend it by striking out all that has regard to lotteries. I think there is a great misapprehension in regard to the word instruction. At page 652 Bourinot says :

> Considerable misapprehension appears to exist as to the meaning of instruction. An instruction is given to a committee to confer on it that power, which, without such instruction it would not have.

That is the real object of an instruction. It is to enlarge the powers of a committee, not to dictate to the committee what the committee is to do, and if we refer to precedent, we shall see that in the imperial House of Commons a motion having been made to instruct a committee to do a certain thing, the Speaker said :

> It is proper that I should state to the hon. member and the House my reason for thinking that the instruction which he proposes to move would not be in order, and it is this : that the committee already possess power to do that which the hon. member desires they should do, and it is a rule of the House that no instruction shall be given to a committee to do that which they already have the power to do. Under these circumstances, it appears to me that the proposed motion is not in order.

I do not want to discuss the point of order. I only desire to show the meaning of the word 'instruction.' This reference is to the proceedings in the imperial House of Commons on the 4th of June, 1860. Further on in the debate the Speaker says :

> There is another objection in point of form —that it is mandatory on the committee as to what they are to do. The real intention of an

instruction to a committee is to give them power to do a certain thing if they think proper to do it, not to command them to do it. For this reason also I think the hon. gentleman's motion is out of order.

Later on Mr. Bentinck rose to give another instruction, and the Speaker said :

The same objection exists to the hon. gentleman's instruction; it is mandatory in form. In fact the House has directed the committee to proceed with the Bill and the hon. gentleman proposes by his instruction to direct it not to proceed with the Bill until it has done something which in due course of proceeding it would be competent to do if it thought fit. The committee may enter into the question referred to in the instruction of the hon. member if it thinks fit, and dispose of it in any way. It is not necessary for it to receive an instruction. Therefore in my opinion the motion is irregular and out of order.

There are a lot of authorities I would quote. I shall put them in the hands of the hon. Speaker, but I desire to call attention particularly to the last edition of May at page 935 :

Classified examples illustrating procedure on instructions.

There are four classes :

Class 1—Cases when an instruction was necessary to empower a committee on a Bill to consider the amendments proposed by the instruction.
Class 2—Cases when instructions were ruled out of order because the committee possess the power which the instruction would confer.
Class 3—Cases where instructions were ruled out of order because they were foreign to the subject-matter of the Bill.
Class 4.—Cases of instruction to extend the scope of the Bill throughout the United Kingdom.

It would be under class 2 that this instruction would come—cases when instructions are ruled out of order because the committee possessed the power which the instruction would confer. There is a decision given by our parliament also, in 1870, the Order of the Day being read for a committee on a Bill respecting the election of members of the House of Commons. In that case Hon. Speaker Cockburn decided that the committee already had the power to do what was proposed and, consequently, the motion was irregular. The fundamental principle of the instruction is to empower the committee to do things which the committee has not the power to do, and every motion made to give to the committee a power which the committee has already, is out of order. Now I am coming to the practical object of this discussion. I desire to ask the hon. member from Halifax to amend his motion in such a way that the Bill will be referred back to the Committee on Private Bills for further consideration. If the committee does not comply with what they know is the wish of the House, it will be time for the House to reject the report, and it will enable the committee to do something which, perhaps, it could not do if the amendment is not carried. That is to say the striking out of all that refers to lotteries. They cannot do anything else. They cannot amend the Bill. They might wish to make some other amendments which they could not do because the instructions were mandatory. I am not speaking of the point of order that was taken when the motion was made, but I am making this request as a matter of convenience, so that the committee may proceed with the Bill on Wednesday next. If there is no objection, I move that the Order of the Day relating to Bill (I), (page 391 of the minutes) be read, and will follow that by another motion that it be amended in the way I pointed out, striking out all the words after 'Private Bills' in the amendment, and adding the words 'for further consideration.'

Hon. Mr. POWER—I think the hon. gentleman could hardly expect this House to do that. The House came to a solid determination upon this question and the hon. gentleman has not given any preliminary notice on this question.

Hon. Mr. LANDRY—I said 'with the permission of this House.'

Hon. Mr. POWER—The hon. gentleman has quoted certain authorities, and he asks the House, without any notice, and without other members of the House having an opportunity to look into the matter——

Hon. Mr. LANDRY—If there is any objection, I will not press the motion, but will give it as a notice for Tuesday.

The SPEAKER—As it is a matter of considerable importance, and a question of procedure, I think the notice should be in writing.

Hon. Mr. LANDRY—Very well, I shall submit it in writing.

## ROYAL VICTORIA LIFE INSURANCE COMPANY BILL.

### THIRD READING.

Hon. Mr. KERR (in the absence of Hon. Mr. Forget) moved the third reading of Bill (37) An Act respecting the Royal Victoria Life Insurance Company.

Hon. Mr. McHUGH—Before the motion is put, I should like to explain to the Senate the position I have taken with regard to this measure. I would regret that any one should think it was done with a desire on my part to obstruct the business of the House. I know that the Bill had reached a stage where it was somewhat difficult to offer any opposition, at the time I got the information with reference to the desire of the shareholders to delay this legislation. When it was up the other day, I wired to the parties who had instructed me to oppose the Bill and try to have it delayed. It was for the purpose of consulting with the management as to why they asked for this legislation. Had the management taken that course and called the shareholders together, they might perhaps have seen some other way of dealing with this question. I have received letters from several of the shareholders who hold a great deal of stock in this company and who protest against this legislation. One of them is Mr. Taylor of Lindsay, who says he had never been consulted with reference to it, and that if a meeting of the shareholders had been called, and the position of the company discussed, such drastic measures need not have been taken. He felt that the Bill should not be passed, and that a meeting of the shareholders should be called. I have another letter from the solicitor of Mr. Taylor, who holds some stock in the company, and who protests against this legislation. I have several letters of a similar character from other gentlemen holding a considerable amount of stock, and having paid a great deal on this stock. Dr. Neeland, of Lindsay, Dr. Clark, of Lindsay, and Mr. Waddle, of Peterborough also protest against the method that the management has pursued in coming here without consulting the shareholders. Perhaps the shareholders might not have been so much alarmed if a copy of the Bill had been placed before them to show that there was a saving clause in it. After reading the Bill carefully, I think the first clause is a saving clause to the rights of the shareholders, because they have to be called together to decide on the matter before the legislation becomes effective; but I do feel, in justice to those shareholders who have asked me to protest against the passage of the Bill, that I should place the facts in my possession briefly before this House. I will leave it to the House now to decide as to what course they will take in reference to this Bill. I know that every hon. gentleman here is just as much interested in the protection of the public as I am, and I will leave them to say whether clause one is a sufficient guarantee or a saving clause for the rights of the shareholders.

Hon. Sir MACKENZIE BOWELL—I refer the hon. gentleman to the first clause, which provides that the measure cannot go into effect until duly authorized by resolution and approved by a vote of the shareholders.

Hon. Mr. KERR—The whole matter is left entirely to the shareholders to say what they will do, and all the objections will be presented at the meeting of the shareholders.

Hon. Sir MACKENZIE BOWELL—And the sixth clause.

Hon. Mr. KERR—Under these circumstances, I think there is no reason why the Bill should not be passed.

Hon. Sir RICHARD CARTWRIGHT—My recollection is that in these cases something more than a bare majority has usually been required. Does this provide for just a bare majority ?

Hon. Mr. LOUGHEED—Three-fourths vote of the shareholders.

Hon. Sir RICHARD CARTWRIGHT—In that case, I think there should be no objection.

The motion was agreed to, and the Bill was read a third time, and passed.

## BONAVENTURE AND GASPE TELEPHONE COMPANY BILL.

### THIRD READING.

Hon. Mr. POWER moved the third reading of Bill (R) An Act to incorporate the Bonaventure and Gaspé Telephone Company, Limited.

Hon. Mr. ELLIS—I think it is hardly fair to pass this Bill now, because it was agreed that it should be reprinted as amended

before it was finally disposed of, and that has not been done.

Hon. Mr. POWER—I do not remember it.

Hon. Mr. ELLIS—I think it was so agreed.

Hon. Mr. POWER—The amendments were all in the direction of regularizing and reducing the powers of the company. The amendments were agreed to by the House, and it may be remembered, at the suggestion of the hon. gentleman from Stadacona, I agreed to let the third reading of the Bill stand over till to-day. The Bill is a Senate Bill, and its final stages might be imperilled if it was delayed any longer.

Hon. Mr. ELLIS—I have no desire to delay the Bill at all, but where an agreement has been entered into with respect to a certain thing to be done in a particular way, that agreement should not be violated. I remember distinctly that there was a question as to how it should come before the House, and it was agreed the amendment should be reported to the House and then that we should treat the Bill as amended and print it before the third reading.

Hon. Sir MACKENZIE BOWELL—Why should not the House insist on the agreement being carried out? It may be as the hon. gentleman from Halifax pointed out—the amendments may be in a line that would be approved and adopted by the House; but if there was an agreement in the committee that the Bill should be reprinted before the third reading, that agreement should be rigidly adhered to.

Hon. Mr. POWER—The amendments were concurred in by the House, and I am not aware that there was any agreement that the Bill should be reprinted. The Bill was in my charge, and I did not know of any such agreement.

Hon. Mr. ELLIS—The agreement was formally put from the Chair, and accepted by the committee.

Hon. Mr. BEIQUE—The hon. gentleman from St. John is quite correct; it was agreed upon in the committee that the Bill should be reprinted before the third reading.

Hon. Mr. POWER moved that the Bill be reprinted and that the third reading be fixed for Wednesday next.

The motion was agreed to.

## THIRD READINGS.

Bill (80) An Act to incorporate the Prudential Savings Society.—(Hon. Mr. Watson.)

Bill (BB) An Act respecting the British American Assurance Company.—(Hon. Mr. Jaffray.)

## NORTHWEST TERRITORIES ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (76) An Act to amend the Northwest Territories Act Amendment Bill.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—The object of this Bill is to transfer the powers heretofore exercised by the Lieutenant Governor of Manitoba, in Keewatin, and other territories of a similar kind, to the Commissioner of Mounted Police, and also to slightly extend the powers of various officers.

Hon. Mr. LOUGHEED—Is it the intention of the government to appoint a Lieutenant Governor for the Northwest Territories?

Hon. Sir RICHARD CARTWRIGHT—Not at present.

Hon. Mr. LOUGHEED—The idea is that the duties of the Lieutenant Governor shall be performed by the Commissioner of Police?

Hon. Sir RICHARD CARTWRIGHT—Yes, until such time as it is found expedient to appoint a governor.

Hon. Mr. LOUGHEED—Is it the intention of the government to form a council such as the government would have the power to do under the Northwest Territory Act, with a view to administering the affairs of the unorganized territories?

Hon. Sir RICHARD CARTWRIGHT—The government have that under consideration, and probably will appoint such a council; but it has not been done as yet. They have the power, as my hon. friend knows. They probably will find it expedient to use that power, as he will see by looking at clause 4, in which members of the council are to receive certain extra powers; but I am advised that that has

not been done up to the present time. The hon. gentleman, of course, knows better even than I do, the fact of the extreme sparseness of population in the territories, and that law and order will have to be administered in the meantime by detachments of the mounted police scattered over them.

Hon. Mr. LOUGHEED—They are doing that at present. My curiosity was to ascertain if the government intended, in the near future, to appoint a council such as obtained in the Northwest Territories up to twenty years ago.

Hon. Sir RICHARD CARTWRIGHT—As the hon. gentleman knows, they have not appointed a council yet. That is a matter which they have under consideration, I am not prepared to say how soon the consideration will be exercised over it.

Hon. Mr. LOUGHEED—Does my hon. friend know whether the Lieutenant Governor of Manitoba is still exercising the office of Lieutenant Governor of Keewatin?

Hon. Sir RICHARD CARTWRIGHT—I am speaking from recollection, and under correction, but I think he has been superseded under the Act that this Bill amends.

Hon. Mr. FERGUSON—Do the Northwest Territories embrace Ungava, for the purposes of this legislation ?

Hon. Sir RICHARD CARTWRIGHT—I think not. I think it is confined to those territories which lie north of the three great provinces of Manitoba, Saskatchewan and Alberta. These are what we know as the Northwest Territories proper, and I do not think Ungava is included.

Hon. Mr. LOUGHEED—Has the commissioner, referred to in clause 4, been appointed ?

Hon. Sir RICHARD CARTWRIGHT—I understand that Colonel White has been appointed.

Hon. Mr. LOUGHEED—Will he continue to fill the office of Comptroller of Mounted Police or is he to give his services exclusively to this new office ?

Hon. Sir RICHARD CARTWRIGHT—I am informed that he will exercise the powers of the two offices, just as the Lieutenant Governor of Manitoba discharged the office of Administrator of Keewatin.

Hon. Sir RICHARD CARTWRIGHT.

Hon. Mr. LOUGHEED—Then it will be incident to his office ?

Hon. Sir RICHARD CARTWRIGHT—For the time being. Later on, particularly if any population goes in there, full power is taken to make provision, but it will be some little time yet.

Hon. Mr. ROY, from the committee, reported the Bill without amendment.

## SECOND READING.

Bill (NN) An Act for the relief of George William Hadley.—(Hon. Mr. Perley.)

## COLLINGWOOD SOUTHERN RAILWAY COMPANY'S BILL.

### SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (OO) An Act to incorporate the Collingwood Southern Railway Company. He said : I may explain that this is an extension of the Canadian Pacific Railway from Collingwood to connect with the main line of their new line from Toronto to North Bay.

Hon. Mr. POWER—It strikes me that this is rather a local undertaking :

8. The company may lay out, construct and operate a railway of the gauge of four feet eight and a half inches :

(a) from a point on the Georgian bay at or near the said town of Collingwood, in the province of Ontario, thence southerly to a point at or near Baxter on the Sudbury branch of the Canadian Pacific Railway ;

(b) from a point at or near the said town of Collingwood on the Georgian bay, southerly and easterly, to join the Canadian Pacific Railway at or near the town of Orillia, in the county of Simcoe.

That is a purely local road in a very small section of the province of Ontario, and although I am not the champion of the rights of the province of Ontario particularly, I think the House should hesitate about reading this Bill a second time.

Hon. Mr. McMULLEN—If my hon. friend will permit the Bill to go to committee, a satisfactory explanation will be given.

The motion was agreed to, and the Bill was read the second time.

## INTERCOLONIAL RAILWAY AND PRINCE EDWARD ISLAND RAILWAY EMPLOYEES PROVIDENT FUND BILL.

### IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (68) An Act

to establish the Intercolonial Railway and Prince Edward Island Railway Employees' Provident Fund.

(In the Committee.)

On clause 2,

Hon. Sir RICHARD CARTWRIGHT—I have much pleasure in informing the hon. leader of the opposition, as indeed I did when this Bill was in committee before, that females as well as males will hereafter be embraced in this clause.

The clause was amended and adopted.

On clause 10,

Hon. Sir RICHARD CARTWRIGHT—My hon. friends thought that the secretary of the board should be appointed by the Governor in Council. There is no objection to the suggestion.

The clause was amended and adopted.

On clause 13,

Hon. Sir RICHARD CARTWRIGHT—I called the attention of the department to this clause, and they reply that the manner in which the computation will be made under clause 13 is as follow: Assumed an employee is desirous of obtaining a pension who has been thirty years in the service, and that his average pay for the eight years immediately preceding his retirement has been $100 per month, then the rate of pension he will receive is thirty multiplied by one and one-half, multiplied by one hundred, which equals $45 per month. Under clause 12, which fixes the age for retirement, the number of men who will reach the age of seventy is necessarily limited, and they give reasons, which appear satisfactory, that the average length of life of railway employees after seventy is not likely to be great. A considerable number of men are likely, from various causes, to leave the service, in which case the fund benefits to some extent. They think the calculations will be correct, but later on, they reserve to themselves power to modify the matter, either increasing or diminishing as may be found necessary.

The clause was adopted.

On clause 17,

Hon. Sir RICHARD CARTWRIGHT—My hon. friends objected to the power of restitution in cases of employees discharged for drunkenness, fraud or misconduct. The minister wishes to meet their objections, and is willing to strike out the words 'and are not reinstated.' There is a great deal of force in the objection, that it is not desirable that persons guilty of those offences should be reinstated.

The clause was adopted.

Hon. Mr. McSWEENEY—Clause seven provides that:

> A board shall be established, consisting of five persons, of whom one shall be the general manager, who shall always, when present, be the chairman of and preside at all meetings of the board, two shall be appointed from time to time by the minister from among the chief officers of the railway (one of whom shall always act as chairman in the absence of the general manager), and the remaining two shall be elected annually by the employees contributing to the fund.

Who are the chief officers?

Hon. Sir RICHARD CARTWRIGHT—A question might arise as to who are the chief officers. I can get that information before the third reading, if my hon. friend desires.

Hon. Mr. McKAY (Truro), from the committee, reported the Bill with amendments, which were concurred in.

## INTERCOLONIAL RAILWAY AND GRAND TRUNK RAILWAY AGREEMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (50) An Act to amend an Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal.

(In the Committee.)

Hon. Mr. SCOTT—I have the original plan from the Secretary of State's office on the table for two or three days, and I think hon. gentlemen will be satisfied now. The changes really are only verbal. Either mode of expression would suit the circumstances, but it is desirable that the printed Act should conform with the agreement and be correct and regular. The first change is by inserting the word 'as' after the word 'all,' which would make it read, 'are all as shown,' &c.

Hon. Sir MACKENZIE BOWELL—What is the effect of it?

Hon. Mr. SCOTT—No effect at all.

Hon. Sir MACKENZIE BOWELL—Then why change it ?

Hon. Mr SCOTT—Because the Act, as passed, professes to be a true copy, whereas it is not a true copy.

Hon. Mr. FERGUSON—Whatever effect it may have, it seems right to pass it, because that was the original agreement. It must have some effect or so much trouble would not be taken to make the correction.

Hon. Mr. SCOTT—It is making it more definite. I do not know that there is very much difference.

The clause was adopted.

On clause 1,

1. The schedule mentioned in the preamble is hereby amended by inserting the word 'as' after the word 'all' in the forty-third line of the third page of the said schedule ; by striking out the words 'of the railway between and including Ste. Rosalie and Bonaventure station and Chaudière bridge and connections' in the second, third and fourth lines of the fifth paragraph on the fourth page of the said schedule, and substituing therefor the words 'of the Montreal joint section and the Chaudière joint section;' by inserting the words 'of each joint section' after the word 'maintenance' in the tenth line of the said fifth paragraph ; by striking out the word 'other' in the sixteenth line on the fifteenth page of the said schedule; and by substituting the word 'circumstances' for the word 'circumstance' in the twenty-third line of the said fifteenth page.

Hon. Mr. SCOTT—In the statute it reads 'of the railway between and including Ste. Rosalie and Bonaventure station and Chaudière bridge and connections.' The document filed reads : 'Of the Montreal joint section and the Chaudière joint section.'

Hon. Sir MACKENZIE BOWELL—That is not verbal.

Hon. Mr. SCOTT—It expresses the same locality.

Hon. Sir MACKENZIE BOWELL—Well, does it ? As I understand, it provides for the payment by the government of a certain portion of the expenses between Ste. Rosalie and the bridge. If this amendment be carried, does that not throw the responsibility on the government to pay a proportion of the expenses to keep up the road between the bridge and the terminus at Quebec ?

Hon. Mr. SCOTT—No, in the agreement the line between Ste. Rosalie and Bonaventure station is described as the Montreal joint section. They occupy it jointly. Under the agreement, the two railways were to occupy the line between Ste. Rosalie and the Bonaventure station.

Hon. Sir MACKENZIE BOWELL—Yes, I understand that, but the schedule, as it is printed in the statute, reads :

And including the maintenance of the railway, between and including Ste. Rosalie and the Bonaventure station and the Chaudière bridge and connection.

I was trying to show the distinction between the schedule as printed in the statute, and what is proposed here. The schedule, as printed in the statute, confines the payment of the cost of maintenance between these two points. The proposed amendment reads : 'The Montreal joint section and the Chaudière joint section,' by inserting the words 'after each section.' That would include the section running from the Chaudière bridge to Quebec, would it not ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—Then if that is so, it compels the government to pay for the maintenance of a portion of the road for which, under the statute, it appears they are not entitled to pay.

Hon. Mr. SCOTT—My reading of it is that if there were any different interpretation, the actual agreement is less than that printed in the statute, so that it would be in favour of the Crown.

Hon. Sir MACKENZIE BOWELL—Oh, no, quite the other way.

Hon. Mr. SCOTT—No, I beg pardon, because the Montreal joint section which is the section, must be those portions of the line jointly used by the two companies, and the Chaudière joint section can only apply to those particular portions that are used jointly. The statute used larger terms and may include more ; but the agreement is limited, because it is only what they jointly occupy.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will read closely and critically the first clause, and compare it with the schedule in the statute, he will find that

the same blunder occurred in the new Bill as in the old, because this refers to certain paragraphs and certain lines in the schedule as it appears here ; and in other cases, it refers to the statute. The hon. gentleman will find that the reference is not correct.

Hon. Mr. SCOTT—I have looked through it and I do not find any difficulty.

Hon. Mr. FERGUSON—The reference to the statute is not right, and if it is allowed to go, without being corrected, it will be meaningless. The words that are amended are found in paragraph three of the agreement, whereas, in the Bill, paragraph five is referred to.

Hon. Mr. SCOTT—I observe there is a clerical error in regard to the paragraph, but that will be corrected.

The clause was adopted.

On clause 2,

2. Notwithstanding any legal proceedings that may have been commenced, or any rights that may have accrued, the said Act and schedule hereby amended shall be read and construed as if the amendments herein contained had been made on the eleventh day of August, eighteen hundred and ninety-nine.

Hon. Sir MACKENZIE BOWELL—I understood the Secretary of State to make the declaration, when he was moving the second reading of the Bill, that no difficulty had arisen under the construction ?

Hon. Mr. SCOTT—None whatever.

Hon. Sir MACKENZIE BOWELL—And no litigation had taken place ?

Hon. Mr. SCOTT—No, nothing at all. It was discovered, on looking at the original agreement, that they did not correspond.

Hon. Sir MACKENZIE BOWELL—What necessity is there to legalize all proceedings that have taken place in the past under this agreement ? You propose, notwithstanding any legal proceedings that may have been commenced, or any right that may have accrued, the said Act and schedule hereby amended shall be read and construed as if the amendments herein contained had been made on the 11th August, 1899.

Hon. Mr. SCOTT—Because the Crown and the Grand Trunk Railway have proceeded on the reading of the agreement as filed.

Hon. Sir MACKENZIE BOWELL—What do you legalize by this ?

Hon. Mr. SCOTT—Questions that may arise in the future which ought to be corrected.

Hon. Sir MACKENZIE BOWELL—Questions which arise in the future would be settled under the Act we are now passing.

Hon. Mr. SCOTT—It is the desire of both parties to legalize the part in accordance with this agreement. Nobody else is interested in it.

Hon. Sir MACKENZIE BOWELL—You legalize what might possibly have taken place but which did not take place.

Hon. Mr. SCOTT—I do not know what has taken place.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said nothing has taken place.

Hon. Mr. SCOTT—I did not know of anything. Reference was made to the agreement itself. It was found by referring to the statute that they did not correspond ; and it was thought legitimate and correct to make the agreement as printed in the statute conform to the agreement as filed.

Hon. Sir MACKENZIE BOWELL—It was either last year or the year before that we passed an Act authorizing a reference to arbitrators of the difficulties that had arisen under that agreement. What was the result of that arbitration ?

Hon. Mr. SCOTT—I do not really know. We had the matter discussed in this House, some trifling amount was awarded. I think my hon. friend from Belleville properly criticised the arbitration, referring to the fact the counsel fees were a good deal more than the amounts in controversy.

Hon. Mr. FERGUSON—I have gone over this, and, as far as I am able to understand, there is practically no difference between the contract as filed in the office, and the Bill as it stood. It is only a difference in phraseology, without any real difference. But supposing there had been a difference ; if it had been found that the government

had made the contract and filed one contract in the office, and submitted another one to parliament that was very radically different, the question might arise whether parliament had ever agreed to the agreement as filed, and it is the contract on the statute-book which would have to prevail. I think if there were any difference we should insist that what is passed by parliament should be the law, and not what is found in the department.

The clause was adopted.

Hon. Mr. WILSON, from the committee, reported the Bill with amendments.

## THE LATE SENATOR CASGRAIN.

Hon. Mr. SCOTT—I have just been informed that the Senate has lost another member by the death of our esteemed friend, the late Senator Casgrain. He was a gentleman who was universally liked in this Chamber, and particularly by those who sat with him for many years. I know of no other gentleman who had greater equanimity of mind, and who approached all questions submitted for the consideration of the Senate with the same sense of right and justice. I feel that the Senate can, on the present occasion, sympathize deeply with his family for the loss they have sustained.

Hon. Mr. LOUGHEED—It is with feelings of the deepest regret that I have just learned of the death of our late colleague Senator Casgrain. During his long membership in this body he had endeared himself to his fellow-members as few men could have done. His qualities both of heart and of mind will be long remembered by those of us who had the good fortune of possessing his friendship.

In the discharge of his duties he was peculiarly attentive, and brought to bear on every subject before the Chamber in which he was interested a large fund of intelligence and common sense. Thus recalling for some years past his pleasing personality as he came in contact with us all, we can but express our sorrow for his absence through death, and our deepest sympathy with his family in their sad bereavement.

The Senate adjourned until Tuesday, at Eight o'clock p.m.

# SENATE.

OTTAWA, Tuesday, March 12, 1907.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

## NEW SENATOR.

Hon. Mr. George Casimir Dessaulles, of St. Hyacinthe, Que.

## BILLS INTRODUCED.

Bill (UU) An Act to amend the Gold and Silver Marking Act.—(Hon. Mr. Gibson.)

Bill (VV) An Act to incorporate the International Canal and Power Company.—(Hon. Mr. Young.)

Bill (WW) An Act to incorporate the Port Arthur Power and Development Company.—(Hon. Mr. Kerr.)

## IMMORALITY IN DAWSON.

### INQUIRY POSTPONED.

The Order of the Day being called:

Hon. Mr. FERGUSON—That he will inquire of the government:

1. Are they aware that the Yukon Council, one-half of which is composed of appointees of the government, and which is presided over by one of their officers, has granted licenses to at least two retail liquor shops in Dawson City in connection with which immoral entertainments and practices are openly conducted?
2. If the government is not in possession of information on the subject, will they cause an investigation to be made?

Hon. Mr. FERGUSON—Is the hon. minister prepared to answer this question?

Hon. Mr. SCOTT—I have not succeeded in getting an answer. I spoke to the minister again, personally, a few days ago, and again to-day and he had not been able to obtain it.

Hon. Mr. FERGUSON—I am rather surprised, because the ex-governor of the Yukon, who had been chairman of the council at the time these occurrences are said to have taken place, was in Ottawa since the notice was placed on the paper.

Hon. Mr. SCOTT—Since the notice was on the paper?

Hon. Mr. FERGUSON—I think so. I may be wrong, but I think I saw him.

Hon. Mr. SCOTT—I think the hon. gentleman must be mistaken; I have never heard of it.

Hon. Mr. FERGUSON—I may be wrong. My hon. friend behind me tells me he is in Ottawa at the present moment.

Hon. Mr. SCOTT—Well, I do not know anything about it.

The motion was allowed to stand until Friday.

## MINUTES OF SENATE RELATING TO BILL (I).

### MOTION.

Hon. Mr. LANDRY moved:

That the entry made in the Minutes of Proceedings of the Senate of Canada on Wednesday, 6th March, 1907, relating to (Bill I) page 391, be now read.

The motion was agreed to, and the Minutes were read by the clerk as follows:

The Order of the Day being read for the consideration of the amendments made by the Standing Committee on Miscellaneous Private Bills to Bill (I) intituled: 'An Act to incorporate the Canadian Musical and Dramatic Association, Limited,'

The Honourable Mr. Casgrain (de Lanaudière) moved, seconded by the Honourable Mr. Roy,

That the said amendments be agreed to.

The Honourable Mr. Power moved in amendment, seconded by the Honourable Mr. Ellis,

That the said amendments be not now agreed to, but that the said Bill be referred back to the Standing Committee on Miscellaneous Private Bills, with instructions to further amend the same by removing the provisions connected with lotteries.

The question of concurrence being put on the motion in amendment, the same was resolved in the affirmative, and

Ordered accordingly.

Hon. Mr. LANDRY—I have the honour to move that all the words after 'private Bills' in the resolution moved by the Hon. Senator Power, and adopted by the Senate, be struck out and replaced by the following: 'for further consideration.'

Hon. Mr. POWER—I do not think that that is just the proper form to adopt, but I am not going to quarrel with it. The better way is to deal with the substantial question raised by the hon. gentleman. The motion should be either that the entry be expunged or that the resolution be rescinded; but that would be a mere technicality, and I do not propose for my part to rest on that. The hon. gentleman, at the last meeting of the Senate, took the ground that the motion which was adopted by the Senate instructing the committee to amend the Bill was an irregular motion and a motion which should not have passed the Senate, and as far as I can gather, the hon. gentleman based his argument on two grounds as to both of which he read from Bourinot's Practice. One ground was that you cannot instruct a committee to do anything which the committee has power to do without the instruction. That is correct; but the committee could not without the instruction from the House, make that change in the Bill which the instruction ordered them to make. The committee had agreed upon and reported the Bill to the House, and if it was simply referred back to the committee they could not do anything with it; they would be stopped by their previous action, and they had to have the authority of the House to make the change in the Bill. I dare say the hon. gentleman has pursued the subject further since last Friday, and he has probably found that such instructions are often given in cases of this kind. So I think there is nothing in that. Then the hon. gentleman took the ground that the instruction was mandatory; that it ordered the committee, in fact, to do the work and did not give them the option of doing it; and the hon. gentleman read Bourinot's own view and certain references which Bourinot made to May. As the hon. gentleman has probably given a little attention to the matter since, he will have noticed that, while his parliamentary law was very good it did not apply. The parliamentary law which the hon. gentleman gave the House dealt altogether with the Committee of the Whole House, and not with special committees or committees on private Bills. I shall not go into any lengthened argument on the question, but shall cite very briefly from the last edition of Bourinot, page 519, where I find this:

Instructions to Committees of the Whole in the Commons are permissive, but in the Senate and Lords they may be imperative.

And Bourinot cites for that May, page 481 of the new edition. Then if hon. gentlemen will turn to pages 546 and 547 of Bourinot, they will find some further authority on the subject; and I may be allowed to read a few lines which are not directly in point, but which go to show the principle which underlies this subject:

It is a clear and indisputable principle of parliamentary law that a committee is bound

by, and is not at liberty to depart from the order of reference. This principle is essential to the regular despatch of business, for if it were admitted that what the House entertained in one instance and referred to a committee was so far controllable by that committee that it was at liberty to disobey the order of reference, all business would be at an end and, as often as circumstances would afford a pretext, the proceedings of the House would be involved in confusion.

Then a little further down on page 546 he says that instructions may be mandatory or permissive in the case of special committees, and on page 547 :

No such restriction applies to committees on private Bills nor to committees of the Whole House in the Lords. Mandatory or imperative instructions can be given to such committees.

He cites May and 71 Lords Journals, page 532. I have consulted this authority. It was something with respect to a public Bill dealing with Ireland and there was no question raised about the instruction. No question was raised as to the right to instruct. Now I take the authority to which the hon. gentleman from Stadacona referred, on page 556 :

A report may be referred back—(this is not a committee of the whole ; it is headed standing and special committees)—to a committee for further consideration with instructions to amend the same in any respect.

I shall not trouble the House very much longer, because I think the case is too clear; but I shall just quote directly from the last edition of May, page 481. This section deals with instructions :

Nor in the Commons can an instruction be moved to a Committee of the Whole House in a form other than a permissive form, namely that they have power to consider the matter dealt with by the instruction, and this rule applies to instructions to Standing or Joint Committees. (Page 423).

And at page 423 there is nothing about standing committees. It is simply joint committees. The part to which I wish to direct attention reads :

No such restriction applies to instructions to Select Committees (see page 400) or Private Bill Committees (see page 731) nor to Committees of the Whole House in the Lords ; and in these committees a mandatory of imperative instruction, defining what course of action which they must follow can be given by the House.

And that is all, practically, that I think it is necessary to read. There are several pages, beginning at page 731, to which I might direct the attention of the Speaker, dealing with that subject. I will just read the first sentence :

Mandatory instructions leave the committee no option in the exercise of their functions with regard to the particular matter that is the subject of the instruction, and for that reason they are often deprecated ; but such instructions have frequently been proposed, and have in numerous cases, been given to Committees on private Bills.

And then there is a long list of private Bills in the last year, in the cases of which those instructions have been allowed. I think the reason for the difference between the rule with respect to the Committee of the Whole and a smaller committee is clear enough. Here you have the House sitting with the Speaker in the Chair, and you would have that House composed of the same members as a Committee of the Whole telling the Committee of the Whole that they must do so-and-so. There is certainly a lack of courtesy about that. When the chairman takes the chair, the same members are present, and I suppose it is looked upon as being more respectful that the committee be empowered to act ; but there is no doubt that the House has a perfect right to direct its select committees to do anything that it pleases. It is not wrong or improper, and my view is that the House acted altogether within its right on Friday ; and there is no reason why it should reverse that action, and there is nothing out or order. I think it would be a matter of regret if the action on Friday should be reversed ; it would not be in the interest of good government, I humbly submit, or of public morals.

Hon. Mr. LANDRY—I agree with the hon. gentleman——

Hon. Mr. POWER—Is the hon. gentleman entitled to speak again ?

Hon. Mr. LANDRY—I did not speak at all. I agree with the hon. gentleman that this motion does not raise a point of order. If there was a point of order taken, it would come too late, because according to precedents, when any stage of a Bill has been passed we cannot go back to a point of order which, of its nature, should have been taken at the outset. We are now exercising the right we have to reconsider a motion which this House has already passed, and it is for that reason I ask this House to rescind this motion and to pass another resolution

which would give broader liberty to a committee. If the committee is bound by the words of the instruction, it cannot operate, and it was a suggestion given to me by one of the members of the committee, that we should call the attention of the House to the nature of the instructions which has been given so that we may obtain more latitude in the work we perform in the committee. I will now deal with the points taken by my hon. friend. He says that my previous remarks of Friday last could only apply to a public Bill, or to a Committee of the Whole, but in no way to a committee on private Bills. But I know that it applies to a private Bill. Bourinot, at page 788, says:

In the chapter on public Bills, the rules in Commttees of the Whole and on the third reading are fully explained, and as these apply to private Bills—except where there is a standing order on any particular point—it is not necessary to recapitulate them here.

And what the hon. gentleman has quoted to apply to public Bills is to be found on page 652, and following, but that does not prevent that the chapter on public Bills, as well as the rules in Committee of the Whole and those which govern the third reading of a public Bill do apply to private Bills as says Bourinot in the quotation I have just made. Now what does May say: There is a difference between an order of reference and an instruction to a committee. When you strike a select committee, you may give an order of reference in telling the committee what work it has to do and the committee cannot go out of that order of reference. That is the boundary within which the committee is compelled to work. But having given such an order of reference to a committee which binds the action of the committee, you may afterwards give an instruction which will enlarge its operation, which will give powers that the committee has not already. That is the difference between a reference and an instruction. An instruction is to give to a committee a power which the committee has not already by its order of reference, and that is the real principle which governs the instructions. May says at page 479 of the last edition:

In entertaining an instruction the House is subject to this primary construction, namely, that the amendments to be sanctioned by an instruction must come within a fair interpretation of the rule laid down by Standing Order No. 34, namely, that those amendments should be relevant to the subject matter of the Bill.

That is not the case here. He proceeds:

Thus as the subject-matter of a Bill, as inclosed by the contents thereof, when read a second time, has since 1854, formed the order of reference which governs the preceedings of the committees thereon, it follows that the objects sought by an instruction, should be pertinent to the terms of that order, and that the amendments, which an instruction proposes to sanction, must be such as would further the general purpose and intention of the House in the appointment of the committee. The object of an instruction is, therefore, to endow the committee with power whereby the committee can perfect and complete the legislation referred by the contents of the Bill, or extend the provisions of a Bill to cognate objects, and an attempt to engraft novel principles into a Bill, which would be irrelevant, foreign or contradictory to the decision of the House taken on the introduction and second reading of the Bill, is not within the due province of an instruction.

Further on he says:

A motion for an instruction which seeks to confer upon a Committee of the Whole House, power to make amendments in a Bill that is already possessed by the committee, is out of order.

Hon. Mr. POWER—That is a Committee of the Whole House.

Hon. Mr. LANDRY—Yes, but the rules which apply to public Bills in a Committee of the Whole House apply to private Bills, according to Bourinot. An instruction may be mandatory, but not to the extent mentioned by the hon. gentleman. My hon. friend quoted Bourinot at page 546 and then at page 731.

Hon. Mr. POWER—No it was May I quoted at page 481.

Hon. Mr. LANDRY—Bourinot at page 652 says:

Considerable misapprehension appears to exist as to the meaning of an instruction. An instruction is given to a committee to confer on it that power which, without such instruction, it would not have.

Hon. Mr. POWER—That is a Committee of the Whole.

Hon. Mr. LANDRY—Yes, but Bourinot says, at page 788, that such a doctrine applies equally to private Bills and to select committees. What is the real principle in-

volved in an instruction? The book answers:

An instruction is given to a committee to confer on it that power which, without such instruction, it would not have.

And furthermore, Bourinot states that the rules of the House apply to a committee, and that a committee cannot be instructed to undo something which it has done, which means that when a committee has passed a Bill you cannot compel that committee to reverse its decision. At page 544, Bourinot says:

The practice of the English Houses prevails in the Senate and Commons of Canada. The same rules, in fact, obtain with respect to divisions in committees as in the House itself.

In another place he states that you cannot reverse a decision which has been rendered, and that an instruction cannot be given in that way to a committee.

The House cannot force a committee to go back on its decision. They may give them liberty to do so, but cannot force them. I gave the distinction just now between a reference and an instruction. I will call your attention also to Blackmore's Speakers' Decisions, page 189. He says:

No instructions can be given to a committee to do that which they have already the power to do. Nor can an instruction be given to a committee to deal with a question beyond the limits of the Bill. Nor may an instruction be mandatory in form, the intentions of an instruction being to give a committee power to do a certain thing if they think proper, not to command them to do it. Nor may an instruction authoritatively direct the adoption of a clause when such clause may be moved in committee. Nor is it competent to move an instruction to a committee giving conditional power.

They have a right to do that in Committee of the Whole here, and at the third reading. That would be taking the sense of the House; but you cannot force a committee to go back on its decision.

Hon. Mr. ELLIS—I have looked at all these authorities, and they refer to Committees of the Whole.

Hon. Mr. BEIQUE—Suppose that Bill was merely sent back to the committee without instructions, and that the committee repeated its first report, and that it was sent back to the committee a second and a third time, always with the same result, where would it end? Would not the House have to give an imperative mandate to the committee and have its instructions obeyed?

Hon. Mr. LANDRY—No.

Hon. Mr. BEIQUE—What other means would there be?

Hon. Mr. LANDRY—The House may refuse to accept their report. There is a difference between refusing to accept the report of the committee and compelling certain members of the House to go back on their opinion.

Hon. Mr. BEIQUE—And if the House refused to accept the report, what would happen?

Hon. Mr. LANDRY—The Bill could not pass.

Hon. Mr. BEIQUE—The desire expressed by this House is not to kill the Bill, but to amend it. The House expressed a desire to pass the Bill, with the exception of this provision, and you are driven to this position, that the House would have no other remedy but to kill the Bill.

Hon. Mr. LANDRY—If the instruction is proper and regular, we are bound by the instruction—we cannot go further than the instruction. The only thing we could do would be to strike out the clause 15 of the Bill which is the object of the present instruction, but we could not amend any other clause. It is for that reason that I ask the House to reconsider its instruction and make it broader, giving the committee instructions to further reconsider the Bill, so that any other amendments that should be made as a result of striking out clause 15 could be made in the committee.

Hon. Mr. BEIQUE—Nobody disputes the principle that it was open to the House to merely refer the Bill back to the committee and invite the committee to study the Bill de novo; but what I understand the hon. gentleman to contend for is that it was not open to this House to send the Bill back to committee with an imperative mandate; that the House having come to the conclusion not to accept the Bill with clause 15 in it, that it was not in the power of this House to send the Bill back to the committee with imperative instructions to strike out this provision.

Hon. Mr. LANDRY—What could be done is this: The House having expressed its intention that clause 15 should not be part of the Bill, the committee, knowing the intention of the House, might find it necessary to make other changes in the Bill after striking out that clause; and I am asking that this House amend its order so as to empower the committee not merely to strike out clause 15, but to reconsider the Bill in a general way. The hon. gentleman thinks the object is to replace that clause by inserting a similar clause.

Hon. Mr. BEIQUE—No, the only thing I am finding fault with in the position taken by the hon. gentleman is, that it was not in order.

Hon. Mr. LANDRY—No.

Hon. Mr. BEIQUE—He is not raising a point of order now; but at the time the motion was made he said while it was too late to raise a question of order, he might have done so on the ground that a mandatory order should not be given to a committee, and that is the point I am meeting. Everybody admits that we can grant further power to the committee to reconsider the Bill.

Hon. Mr. LANDRY—That is what my notice is asking.

Hon. Mr. BEIQUE—But the hon. gentleman, in supporting it, takes a position which is not sound.

Hon. Mr. LANDRY—I did not say a word on that subject at all, except in answer to the hon. gentleman from Halifax.

Hon. Mr. BEIQUE—But the hon. gentleman, on Friday last, raised that question and cited authorities.

Hon. Mr. LANDRY—Yes.

Hon. Mr. BEIQUE—Surely it was incumbent on some members of this House to find fault with that view if they did not agree with it?

Hon. Mr. LANDRY—And it was equally incumbent on me to meet the argument of the hon. gentleman from Halifax. I do not press any point of order. I ask the House to adopt my motion, or if it is not in proper terms, to change the terms by an amendment, and put it in such a way that the committee may be empowered to further reconsider the Bill.

Hon. Mr. CLORAN—I have listened to this debate for an hour, and I can assure the House, speaking for others as well as myself, that we are just as far advanced in knowledge of the question as we were when the debate started. The debate has been somewhat chopped up, and there has been a lot of quotation from authorities. We heard the pages read out, but did not understand what the authorities had to say. To my mind, this question is one that has taken proportions which do not belong to it. It was simply a question whether the committee had a right to reconsider the Bill which had been before it, and which had been reported to the House. That would be a sensible motion to make under the circumstances. If the House had referred the Bill back to the committee with specific instructions as to material facts which the committee would have to admit established a prima facie case, then the House would be doing honestly and fairly by the committee; but if the House were to refer back to the committee a Bill which the committee had fully and thoroughly considered, and were to peremptorily order them to go against their conscientious conclusion, then I say the House would have no right to do so, no matter what Bourinot or any other authority might say on the subject. This citing of authors by the hour becomes very tiresome at times. The best rule we can lay down, as a modern legislature, is the rule of common sense. We are not here to follow along the trail of olden days. We are here to strike out for ourselves, and the proper basis of procedure is common sense—common sense according to the individual capacity of the legislator. What would be the proper thing to dictate to the committee with reference to this Bill? It would be simply to say, this Bill has been referred back to you for reconsideration and no more. If this House was determined that the Bill should not pass as amended by the committee, it would then devolve on the Senate to reject the amendments, to say what it wanted, and not to cast its responsibility upon the committee. The hon. gentleman from De Salaberry said: 'But if the committee refuses to obey the instructions of the House once, twice or three

times, what then ?' I say if the committee reports the Bill in a form which is not acceptable to the House, the House simply has to say it is not our will, and reject the Bill unless there is some material fact which can be eliminated without division in the House ; but where a question of conscience, of intelligence, of understanding crops up, this House has no right to send a Bill back to a committee two or three times and ask a committee to change its conscientious conclusion. You might as well ask a judge on the bench to send back a jury three or four times with instructions to agree on its verdict. The hon. gentlemen from Halifax and Stadacona have cited authorities, but quotations have no effect whatever with me in judging this question. I use my common sense. I ask myself, is the motion in order referring this Bill back to committee with instructions to remove the clause relating to lotteries. Does the hon. gentlemen know that it kills the whole Bill ?

Hon. Mr. POWER—Hear, hear ; that is just what I thought.

Hon. Mr. CLORAN—Nobody said the contrary. Then the hon. gentleman from Halifax asks the committee to take the responsibility of killing the Bill, when the hon. senator should have risen on the floor of this House and asked to have it killed here. The instruction is beyond the power of this honourable House in regard to a question of that kind. I understand that when a special committee is appointed, the House has a right to say, you shall not engage an attorney though you are appointed to make an investigation. The committee would not have a right under such instruction to employ counsel in spite of the House. That is a material fact, and the honourable House made a special committee of the Senate feel that for the last four years, so much so that the House has refused to accept the recommendation of that special committee with reference to the payment of witnesses and attorneys. These are material facts, but to say to a committee of this House you shall change your decision because the House decides so, is going too far.

The SPEAKER—I do not wish to interrupt the hon. gentleman, but I do not know that it is the desire of the House that the debate should continue in an irregular way.



Hon. Mr. CLORAN—I believe it is not in your jurisdiction or power, Mr. Speaker, to interrupt any senator unless he is called to order by an hon. member of the House.

The SPEAKER—The hon. gentleman was clearly infringing on rule 37; but I should like the Senate to know that if this discussion continues, it means that other senators will have a right, by tacit consent, to continue the debate.

Hon. Mr. CLORAN—What I understand is this : the Speaker has no power to say to a senator that he is out of order unless a point of order is raised on the floor of the Senate.

Hon. Mr. POWER—Order, order. Will the hon. gentleman who professes the greatest contempt for parliamentary law and rule——

Hon. Mr. CLORAN—No.

Hon. Mr. POWER—Why the hon. gentleman has just been doing it. Will he take the trouble to read rule 16, which is exactly the same as the Commons rule. The hon. gentleman knows that this rule was put there just to give our Speaker the power which he is using now :

> The Speaker preserves order and decorum and decides questions of order, subject to an appeal to the Senate.

The first part of this rule was not in our rule until last year.

Hon. Mr. YOUNG—I wish, in fairness to the Speaker, to point out that he asked the House if any hon. gentlemen desired to speak after the hon. member from Stadacona rose. The hon. gentleman from Stadacona sat down out of deference to the Speaker's request, and in accordance with our rules. The Speaker looked around, and there was silence for a reasonable time, and the hon. member from Stadacona placed the House under rule 37, so the Speaker took every precaution.

The SPEAKER—I did not stop the hon. gentleman from speaking ; but I drew attention to this fact, that if the discussion was allowed to go on in spite of rule 37, of course, it gave, by passive consent, a right to all the members of the Senate to continue the discussion.

Hon. Mr. CLORAN—I have no objection whatever to cease speaking at once if it is

the decision of the House that the hon. the Speaker can interrupt a senator, and say he has no right to speak ; but I take issue immediately with the hon. member from Halifax and claim that the rule he has read to me is altogether in my favour. The Speaker has a right to decide a question of order, but has no right to raise one. If hon. members say that the discussion is valueless, I am prepared to take my seat. What should have been done, as the hon. member from Stadacona has pointed out, was to refer the Bill back to committee with the simple request to have it reconsidered ; and I think he has taken a wise and proper stand in the matter, not that I am in favour of or opposed to the Bill ; but when hon. senators rise and quote authorities to floor me and floor each other, it makes one tired. The hon. gentleman from Halifax quoted a rule to show that the Speaker has a right to decide questions of order. I never contended otherwise, but the ruling of the Speaker in previous years was that he had no right to interfere in the debate, but only to decide questions of order when they were raised.

Hon. Sir MACKENZIE BOWELL—I think it would be just as well that the House should understand exactly what the powers of the Speaker are, so that in future these difficulties may not arise. Before the adoption of the present rule, the Speaker did not possess the power which he has exercised to-day. In the House of Lords the Speaker had no right to interfere in a debate to call any one to order, and that was our rule previous to the adoption of the present rule ; but our rules were amended for the express purpose of giving the Speaker of the Senate authority and power to call members to order when they were out of order, so that scenes such as had occurred in the past might not be repeated. In this case, so anxious was the Speaker to give every member of the Senate an opportunity to discuss this question, that before the hon. senator from Stadacona made his reply, he called upon the whole Senate to ascertain whether any one desired to speak, and he waited fully a minute in order to see if any one would rise, and no one rose.

Hon. Mr. CLORAN—I never heard him.

Hon. Sir MACKENZIE BOWELL—It is the hon. gentleman's business to listen. I heard him distinctly.

Hon. Mr. CLORAN—The hon. gentleman from Belleville is nearer the Speaker than I am.

Hon. Sir MACKENZIE BOWELL—If every member would pay attention to what is going on in the House, discussions of this kind would not arise. I want to point out that the Speaker was strictly within the power vested in him by our rules when he called attention to the fact that the hon. gentleman was transgressing the rule. Let us endeavour in the future to pay attention to what is going on in the Senate and keep our eye on the Speaker, and I am safe in saying that he will never assume power that he does not possess under the rules. We have had ample experience of that. He has allowed latitude in the violation of rules when, apparently, the whole Senate was desirous of continuing a free and easy discussion—has allowed it to go on—when if he acted strictly in accordance with the rule he would have stopped the debate.

Hon. Mr. YOUNG—With a view of solving the difficulty, as there may be other clauses in the Bill in addition to the one referred to in the instructions from the House that may require amendment, I move in amendment to add the following words to the resolution passed on the 6th of March—'and make such other changes in the subject of the Bill as may commend themselves to the judgment of the committee.'

Hon. Mr. KERR—I suppose it is intended that the further authority which is to be given is not to be inconsistent with the instructions which have been given ?

Hon. GENTLEMEN—No, no.

Hon. Mr. KERR—This would leave it at large.

Hon. Mr. POWER—No, it preserves it.

Hon. Mr. LANDRY—It is giving the committee power to change the other clause.

Hon. Mr. YOUNG—Yes, in their judgment.

Hon. Mr. LANDRY—Before the motion is put, I will just call attention to the quotation I referred to, which I had not at hand then. At page 556 Bourinot says :

As the rules of the House govern proceedings of committees generally a committee cannot renew a question on which its judgment has already been expressed. For instance, we recognize the operation of this rule in the fact that in committees on a Bill a new clause or amendment will not be allowed in contravention of a previous decision. It has been ruled in the English House that when a select committee has resolved that the preamble of a private Bill has not been proved and ordered the chairman to report, it is not competent for the committee to reconsider and reverse its decision, but that the Bill should be recommitted for that purpose. Consequently the correct procedure in all analogous cases is for the House to give the committee instructions which will enable it to consider the whole question again.

Hon. Mr. POWER—The latter part of the amendment should be struck out.

The SPEAKER—The amendment will read, 'and to make such other changes to the said Bill as may recommend themselves to the judgment of the committee.'

Hon. Sir MACKENZIE BOWELL—That leaves the instructions as they were, but gives the committee more power.

Hon. Mr. YOUNG—That is the intention, in order that there may be an understanding that the feeling of the House with reference to certain sections remains the same—that is that it is desired that those figures be eliminated.

Hon. Mr. LANDRY—Not a desire, an order.

Hon. Mr. YOUNG—Well, an order. Now, the intention of this amendment is, that if there are other clauses in the Bill which, in the nature of things, should be amended without varying the instructions of the other day, the committee is thereby empowered to make those other changes ; but the House still adheres to the decision of the other day, objecting to the features which they considered were lottery features. With that clear understanding——

Hon. Mr. LANDRY—It is well understood. It is mandatory in the first part, and giving power in the second.

Hon. Mr. CLORAN—Suppose the first provision does not recommend itself to the judgment of the committee, what are you going to do ?

The SPEAKER—The decision is mandatory, and the committee will have to abide by the decision of the Senate. In order to complete the answer to the hon. gentleman, I may state that on the 14th of April, 1851, an instruction was given to the committee on the East Lancashire Railway Bill in the English House of Commons—that is to a private Bills committee—to strike out of the said Bill all powers of interference with other companies, and to confine the promoters to the remaining objects of the Bill. A similar instruction was given in 1890 to the committee on the London County Council Bill, and the Wolverhampton Corporation Bill, and to omit certain clauses from the Bill. The question is on the amendment of the hon gentleman from Killarney.

The amendment was agreed to.

The motion, as amended, was adopted.

## BILLS INTRODUCED.

Bill (87) An Act respecting the Crawford Bay and St. Marys' Railway Company.—(Hon. Mr. De Veber.)

Bill (92) An Act respecting the Grand Valley Railway Company.—(Hon. Mr. Coffey.)

Bill (94) An Act to incorporate the Nipissing Central Railway Company.

## FILLING OF SENATE VACANCIES.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I desire to congratulate the government on the alacrity with which they have filled the vacancy created by the death of our late lamented friend Sir William Hingston, in the province of Quebec, and to ask why the vacancies which have occurred in other provinces have not been filled ? There is in the province of Nova Scotia a vacancy which has been standing for more than 12 months. In New Brunswick we know that vacancies remained unfilled for some one or two years. They have however been filled lately. There are three vacancies now in Ontario. One of them has been vacant for some months. Fortunately, the other two have not been vacant so long. Are there no gentlemen in the province of Ontario seeking the position, or, if they are seeking the position, are they not of such a character as to justify their appointment ?

One cannot help observing the difference between the action of the government in filling vacancies in Quebec and in the other provinces. Are we to understand that the government have not sufficient confidence in the representatives of that province, or that they do not pay sufficient attention to the legislation of the country to look after the interests of that province? Or are we to consider that the representatives from the other provinces are so on the alert that the interests of their provinces never would suffer, and consequently there is no necessity for filling the vacancies? I wish it to be distinctly understood that I am not finding fault with the gentleman who has been appointed. From what I can learn he is not only well fitted for the position, but will be a credit to the Senate, and if all the appointments of the government should be of the same character it would add to the dignity and respectability of this chamber. I am quite willing to say that. But what I find fault with is that the other provinces are not treated in the same manner as the province of Quebec, Is it because the supporters of the government from those provinces have not sufficient influence with the cabinet to insist upon the appointments being made, or does the same reason apply to the province of Nova Scotia. Or what inference are we to draw from the rapid filling of this vacancy? Is it that there is a clamour in Quebec as to who should have the position, and the vacancy has been filled in, to stop the clamour so that no further pressure will be brought to bear upon the government. Is that not really the fact? I do not fancy it will allay the agitation, but is it not in order to stop the pressure which may cause a great deal of trouble to the government? Are the rumours which we hear correct that when necessary, in the interest of the party, certain gentlemen are prepared to place their resignation at the disposal of the government in order that the wrath of those who desire other gentlemen appointed may be appeased? I am more particularly interested in the province from which I come. I know that in my locality a gentlemen is constantly telling the people—and actually showing a copy of a letter sent by one of the ministers to him promising him a vacancy eight or ten years ago. There has been a dozen vacancies since that period. I should like to know whether the promise made by the government, if one was made, is to be fulfilled? He is a very ardent supporter of the hon. gentleman, and he is very anxious to have this seat. Why in the world are these positions kept vacant? Are there no applications made? If there are no applications, surely the government might advertise, and they could get some applicants.

Hon. Mr. SCOTT—I must congratulate my hon. friend on the very ingenious deductions he has drawn both from the rapid action in filling the last vacancy and also the conclusions he has reached in reference to the causes for the delay. I am afraid we are following the very bad example set us.

Hon. Sir MACKENZIE BOWELL—If there ever was a bad example, the hon. gentleman would be sure to follow it.

Hon. Mr. SCOTT—I am not aware that the public service is suffering at the present moment. Several names have been submitted, and no doubt in good time one of them will be selected for each vacancy.

Hon. Mr. LANDRY—Does the hon. gentleman intend to bring down his Bill for reforming the Senate this session?

Hon. Mr. SCOTT—I will give it consideration.

## DISCOURTESY TO THE SENATE.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to direct attention of the Senate to the fact that this House is continually and deliberately slighted by members of the government in reference to information which they are by statute bound to lay before parliament. It is only a week ago we had one of these slights by the Minister of Finance with reference to a certain Bill laid before the House of Commons, which we were not favoured with. There is an Act on the statute-book with reference to civil service insurance, and section 17 reads as follows:

> The said superintendent shall within three months after the 30th day of June, each year, prepare for the minister a statement showing the amount received for premiums during the 12 months ending on the said 30th day of June, for all insurance contracts entered into previous to the said date, and the amount of all sums paid in connection therewith during the said period, the number of new contracts entered into since the previous statement, and

the gross amount thereof, with such further details and particulars as are deemed advisable.

2. The minister shall lay the said statement before parliament within thirty days after the commencement of the session thereof next after the date of said agreement.

I have yet to learn that the Senate is not a branch of parliament, and I think it is a matter of proper complaint that we are not treated with the same respect as the House of Commons. The Minister of Finance should see that this information is laid before the Senate as well as the House of Commons. The Minister of Finance is an offender in this respect, and it appears he was also an offender last week; but I am free to say that he is not the only offender, because systematically this House is slighted with regard to information of this kind which is required by law to be laid before parliament.

Hon. Mr. SCOTT—Could the hon. gentleman tell me whether the return has been presented to the House of Commons?

Hon. Mr. FERGUSON—Yes, I have inquired, and I find that it was presented to the House of Commons and not to the Senate.

Hon. Mr. SCOTT—It is very improper and very wrong. I am not aware that any offence of that kind has been committed before. As a rule, documents of that character are made in duplicate, one to be presented here and one to the House of Commons. However, I will make inquiry. What clause of the Act did the hon. gentleman refer to?

Hon. Mr. FERGUSON—Clause 17 of the Civil Service Insurance Act of 1893.

Hon. Mr. SCOTT—It is very discourteous, and I will tell the minister so.

## THIRD READINGS.

Bill (10) An Act respecting a patent of the George E. Smith Lumber Company.—(Hon. Mr. Mitchell.)

Bill (U) An Act to revive certain patents of the Nichols Copper Company.—(Hon. Mr. Watson.)

Bill (76) An Act to amend the Northwest Territories Act.—(Rt. Hon. Sir Richard Cartwright.)

Bill (W) An Act to incorporate the Travellers' Indemnity Company of Canada.—(Hon. Mr. Edwards.)

Bill (AA) An Act to incorporate the Ottawa Life Insurance Company.—(Hon. Mr. Kerr.)

## SECOND READINGS.

Bill (QQ) An Act for the relief of Celina Kingan Ansley.—(Hon. Mr. Jones.)

Bill (TT) An Act to incorporate the Ottawa Terminals Railway Company.—(Hon. Mr. Edwards.)

## DOMINION LANDS SURVEYS BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole House on (Bill 59) An Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make such Surveys.

(In the Committee.)

Hon. Mr. SCOTT—The law relating to surveys in the public lands is also that relating to surveyors and their examinations and duties. It has heretofore formed part of the Dominion Lands Act. As the hon. gentlemen are aware, the Dominion Lands Act has been introduced in the other Chamber, and, in it all reference to the surveys and duties of surveyors has been omitted. The two subjects, it was thought, should be divided, and this Bill we are now considering is limited entirely to the surveys of the public lands and to the duties of surveyors. I may say I am advised that changes in the law which are to be found in the various statutes for the last thirty years are not material. I will be very glad to point out, as we proceed with the Bill, the changes which have been made. It is practically a codification of the law as it stands to-day. No change was made in the House of Commons, and there are notes attached to the House of Commons copy which would facilitate hon. gentlemen who desire to follow the various clauses submitted.

Hon. Mr. LOUGHEED—Before the committee rises, I should like to say that an excellent opportunity is offered in carrying out the suggestion made by the Australian Commonwealth, which will be found in the return brought down by this government con-

taining despatches and orders in council relative to the colonial conference to be held next month in London. On page 25 of the return, the following suggestion from the Australian Commonwealth will be found :

VIII.—Reciprocity as to land surveyors.
That reciprocity should be established between the respective governments and examining authorities throughout the empire with regard to the examination and authorization of land surveyors, so that any surveyor who has properly complied with the tests and conditions prescribed by the Imperial government or the government of any self-governing dependency, and has duly received the requisite authority to enable him to act as surveyor, should be enabled to practise his profession in any other part of the empire, subject only to his satisfying the government or examining authority of the country in which he desires to practise his knowledge of the necessary local Acts or regulations which may be in force therein relating to the survey of land therein.

Hon. Mr. POWER—Will the hon. gentleman look at clause 46 of this Bill.

Hon. Mr. SCOTT—We have not got as far as having the surveyors in our several provinces recognized everywhere in the Dominion.

Hon. Mr. LOUGHEED—It struck me at the time I read this, that on the passage of this Bill a very opportune occasion would be presented to embody a reciprocal provision by which surveyors of all parts of the empire should be permitted to practise their profession in the Dominion upon, say, passing an examination or upon submitting to the necessary authorities a standard equal to that imposed by the Canadian government for the admission of Canadian land surveyors. If there is to be unity in the empire between its different portions, something of the kind should be done ; and it should not be limited to surveyors only, but should be extended to all the learned professions. I throw out this suggestion, so that instead of waiting until the colonial conference discusses the matter, the parliament of Canada might take the initiative. I know of no other part of the empire that could better do so, and I would suggest that, before this Bill passes its third reading, the government should take into consideration the propriety of embodying within it a provision that any land surveyor, from any part of the empire, coming into Canada, who has passed an examination of as high a standard as that imposed by the Canadian authorities should be permitted to practise his profession in Canada upon condition that Canadian surveyors be given the same privilege in other parts of the empire.

Hon. Mr. CASGRAIN—The hon. gentleman will find what he speaks of is fully provided for in clause 46 of this Bill (59), which provides as follows :

46. Every person who shows, to the satisfaction of the Board of Examiners, that he has duly qualified as a surveyor of lands in any part of His Majesty's dominions other than the provinces of Canada, and that he has had at least two years practice either as a surveyor or as a pupil to a surveyor (of which practise at least six months has been in the field), shall be entitled to a commission on passing an examination in such subjects as are prescribed by this Act for the examination of candidates seeking to become articled pupils and Dominion land surveyors ; and on his producing an affidavit from a Dominion land surveyor in the form C in the schedule to this Act, together with his own affidavit in the form D in the schedule to this Act, that he has, in addition to the service aforesaid, served for one year with such surveyor, inclusive of at least six months actual practice with him in the field.

The way they carry on surveys in other parts of the empire differs from surveying in Canada. For instance, there is very little surveying to be done in England. The land marks were established centuries ago ; consequently, surveyors in England act mostly as architects, land valuators, &c., and they are very seldom called upon to make surveys. Then in India there are any number of Hindoos who are good surveyors in their way, but their way is altogether different from ours, and it would take them more than the six months, as provided in clause 46, to become qualified as surveyors in Canada. Even in our own Dominion—and I know whereof I speak, because I am a surveyor not only in Quebec but in Manitoba—there are differences in the systems of the different provinces. There is a difference between the system in Ontario and the system in Manitoba, and when you go to Quebec, our system of surveying is such that even a very good Dominion land surveyor would be at a loss to make a survey in the city of Montreal. The practice is different altogether. So, even in our own country, we could not have surveyors going from one province to another, and that being so, 'a fortiori' it would be more difficult to get surveyors coming from India or England to practise here. Surveyors frequently come from England to Montreal, and are employed there in offices. It takes them some

time to become familiar with our system. I would oppose such an exchange as is proposed, because it would not tend to help the public service.

Hon. Mr. SULLIVAN—Do they not all run on the same principle ? The hon. gentleman should have shown in what respect there would be a radical difference.

Hon. Mr. CASGRAIN—It would take a long time to go into the details of the subject. I do not think it would be workable. It might do to apply the principle to lawyers, but I suppose lawyers from other parts of the empire would have difficulty in working out the laws of Quebec. As for doctors, I suppose it would be quite acceptable to them ; but I am afraid the hon. Secretary of State has very little faith in doctors.

Hon. Mr. LOUGHEED—I might say in answer to what my hon. friend has said, that the difficulty with reference to any unity of action seems usually to come from the province of Quebec, and I see no reason why that should be the case. I say that without drawing any invidious distinction between the different provinces of Canada ; but we find the same objection arising, for instance, in reference to the admission of members of the medical fraternity from the different provinces of Canada to practise throughout the whole Dominion. Our worthy colleagues from the province of Quebec usually interposed the objection, that there should be certain arbitrary and inflexible examinations passed. Now my objection to clause 46 is this : A surveyor coming from any part of the empire would certainly be in no better position than a student who had been articled to his profession in any part of Canada. He would have to pass the necessary examinations, and this invariably is the objection with reference to men of mature age who may have practised their professions most successfully in other parts of the empire. We know the difficulty of a man of mature years passing an examination in all the technicalities that may be submitted by the examiner.

If there is to be unity in the empire : if we are to be all one people, there is no good reason why a professional man, if he is capable, and practising his profession in another part of the empire, should not be equally permitted to practise his profession in Canada : and there is no reason why, in professional statutes of this kind, we should not have a reciprocal provision, permitting those who have passed an examination at least of equal standard in other parts of the empire, to practise in Canada, provided that those who are admitted in the Dominion of Canada should be allowed to practise a like profession in other parts of the empire. I would suggest to my hon. friend, the leader of the government, that clause 46 of this Bill should be amended, because it does not at all meet the requirements of the case.

Hon. Mr. SULLIVAN—The remarks which the hon. gentleman from Calgary has urged on the House are worthy of consideration. It is a consummation most devoutly to be wished for, but it cannot be done. I will show the impossibility. I would wish to make it unanimous, not on such high patriotic grounds as the hon. gentleman has mentioned, but to secure a better class of men by having a uniform system of examination. Australia can send its students over to England with a profession, but Canada cannot do it. Why ; because Australia is one country. Canada is also, but the provinces have not agreed to a uniform system. That has been looked for a great many times, but has not been secured, because it is necessary to obtain the consent of all the provinces. When you take such a degree to the college of surgeons there they will recognize it and pass it ; but no matter how extensive your learning and researches may be, you cannot enter there without coming under their rule and taking an examination in that way. We come from provinces, but when Canada sends a degree of the Dominion of Canada, instead of a province of Canada, it will be recognized. Therefore, to carry out the plan, which is most desirable, that the hon. gentleman has presented, so far as medicine is concerned, it will be necessary first to get the provinces of Canada to agree.

Hon. Mr. CASGRAIN—Some reference has been made——

The CHAIRMAN—I think this discussion is entirely out of order.

Hon. Mr. CASGRAIN—Can we not discuss clause 47 ?

The CHAIRMAN—Clause 47 has passed.

Hon. Mr. CASGRAIN—The leader of the opposition made some reference to the province of Quebec. So far as Quebec is concerned, we would be only too happy to have such an exchange as he proposes, because it would be altogether to our advantage. We could qualify in all the other provinces very easily, but it would not be so easy for professional men from the other provinces to qualify in Quebec. Our law requires us to be able to read and write French and English correctly, and that might not be so easy for professional men in the other provinces. It will be quite easy for us to qualify in the other province, and, as a matter of fact, some of us do. I am sure a surveyor who could not understand both languages would be of very little use, especially in the rural parts of the province of Quebec.

Hon. Mr. LOUGHEED—I should like to ask my hon. friend whether it would not be a matter of sufficient consideration for the government to give its best thought to amending this clause to meet the suggestion made by the Commonwealth of Australia, so that before the colonial conference takes up the subject, Canada might have the credit of taking the initial step in this particular direction ?

Hon. Mr. SCOTT—The suggestion made by my hon. friend is one that commends itself to my judgment if it were at all practicable ; but with the knowledge I have of surveying in different countries, I know it is absolutely impracticable. There is in all the professions such extreme jealousy that it is quite impossible to induce them to take the wide view of conditions that my hon. friend has suggested. There is one profession, certainly, above all others that ought to be on the same basis in all countries, and that is the medical profession. If there is any scientific basis to it at all, it ought to be alike everywhere, and what do we find? You cannot get the medical men of the provinces of this Dominion to agree. My hon. friend was rather hard, I think, on the province of Quebec. It was a surgeon from the province of Quebe who year after year introduced a Bill into the House of Commons for the purpose of adopting one system of examination for all the medical doctors of the different provinces, and yet he could make no headway whatever, and one of the most obstinate of the provinces was Ontario. You could not get the doctors there to agree.

Hon. Mr. SULLIVAN—Excuse me.

Hon. Mr. GIBSON—Quebec was not willing.

Hon. Mr. SCOTT—My recollection is, there was not a single province that gave its cordial assent. The law of Ontario is most positive ; they do not recognize degrees outside of the province of Ontario. I merely mention that as an illustration.

Hon. Mr. LOUGHEED—With reference to the Roddick Bill, to which the hon. gentlemen has referred, the only province in the Dominion that objected to unity of purpose, so to speak, was the province of Quebec.

Hon. Mr. BEIQUE—I think the hon. member is mistaken.

Hon. Mr. GIBSON—I was in the House of Commons at the time Dr. Roddick introduced his Bill. Occupying the magnificent position he did, as the head of his profession in the province of Quebec, he thought he might bring in a Bill to give members of the medical profession the right to practice in all the provinces, and my hon. friend the leader of the opposition, has stated quite correctly that the whole of the opposition came from the province of Quebec.

Hon. Mr. BEIQUE—Other provinces objected, especially British Columbia.

Hon. Mr. THIBAUDEAU, from the committee, reported the Bill without amendment.

## BILL INTRODUCED.

Bill (XX) An Act respecting a certain patent of Philp J. Green, Melvin Hunt, and John McMurrich.—Hon. Mr. Kerr.

The Senate adjourned until to-morrow at Three o'clock.

## SENATE.

OTTAWA, Wednesday, March 13, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### EXTENSION OF TIME FOR PRESENTING PETITIONS.

Hon. Mr. YOUNG, from the Committee on Standing Orders, presented their twenty-third report. He said: I move the suspension of rules 24 and 24a with regard to this report. This is a recommendation that the petitioners be allowed to present a petition to the House, they having given good reasons for the delay in the emergency which has arisen very recently, and so recently that they were only enabled to bring themselves within the rules and present the petition within the proper time. There has been some delay with reference to this petition asking for leave to present a petition to the House. For some unknown reason it went astray and missed one sitting of the Committee on Standing Orders. If that had not happened, the petition would have been passed in its regular course before this. I ask the indulgence of the House so that this report may be adopted to-day to enable the petitioner to present the petition to the House.

Hon. Mr. LANDRY—If I understand my hon. friend, it is a petition asking for leave to present a petition.

Hon. Mr. YOUNG—Yes, upon which we have reported favourably.

Hon. Mr. LANDRY—I do not see that there is any necessity for suspending the rule in this case.

Hon. Mr. YOUNG—I am in the hands of the House. Rule 24 provides that one day's notice must be given for the adoption of a report, not merely formal in its character, from any standing committee.

Hon. Mr. LANDRY—It is the adoption of the report for which the hon. gentleman desires the suspension of the rules?

Hon. Mr. YOUNG—Yes.

Hon. Mr. LANDRY—Not for the petition?

Hon. Mr. YOUNG—No.

The motion was agreed to and the report concurred in.

Hon. Mr. POWER—I beg to present the petitions of Donald McGillivray and of the Standard Life Insurance Company. I understand the time for presenting Private Bills expires to-day. As the hon. chairman of the Committee on Standing Orders has explained, these petitions have come up a little late, but it was not really through any fault of the promoters, and, in order to save the Bills, I move that rule 113 be suspended so far as it refers to the Bills mentioned in these petitions. Rule 113 reads:

> Every private Bill is introduced on petition and presented to the Senate after the petition has been favourably reported upon by the Standing Orders Committee.

I do not propose that the Standing Orders Committee shall not report, but I simply propose that the Bills shall not be cut out, so they will be too late when the committee reports, if it does report, to-morrow, and for that reason I would ask the indulgence of the House to suspend rule 113, so as to preserve the life of these Bills.

Hon. Mr. LANDRY—I think the suspension should be recommended by the Standing Orders Committee.

Hon. Mr. POWER—The report is as follows:

> Your committee being satisfied with the reasons for the delay in each case, recommend the suspension of rules 113 and 110 and that leave be given the said parties to present the petition.

I simply wish to prevent the Bills from being killed.

Hon Mr. LANDRY—That is in accordance with the recommendation of the committee and continuing the action of the committee itself?

Hon. Mr. POWER—Yes.

The motion was agreed to.

### BILLS INTRODUCED.

Bill (YY) An Act respecting the Erie-Ontario Power Company.—(Hon. Mr. Power.)

Bill (ZZ) An Act respecting the Standard Life Insurance Company.—(Hon. Mr. Power.)

## TECHNICAL EDUCATION IN CANADA.

MOTION.

Hon. Mr. DAVID moved :

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will be pleased to cause to be laid before this House all papers, correspondence and resolutions in connection with the establishment or encouragement of technical education in this country.

He said : I shall not make any remarks on this motion now, because I do not know if there are any documents.

Hon. Mr. SCOTT—A deputation called on the members of the government not very long ago and left a memo. in the shape of a small pamphlet, showing the advantage it would be to the country if technical education were supported. Whatever it is, I shall be very glad to bring it down.

The motion was agreed to.

## SENATORIAL APPOINTMENTS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I want to draw the attention of the government to a matter which occurred yesterday, and which compels me to bring it to the cognizance of the Senate ; it is a question which affects the privileges of this House. Yesterday a new member of this House was introduced by the government, and the hon. member from Belleville congratulated the government on the promptitude and alacrity they showed in making the nomination. I want hon. gentlemen to understand at the outset that I have nothing to say against the gentleman who has been nominated. I consider the nomination a very good one ; but I want to call attention to the way the nomination has been made. The senatorial division which the hon. gentleman represents contains three counties, the county of Rouville is one of them. That county is represented in the House of Commons by the hon. Minister of Marine, and in the local legislature by a gentleman named Girard. I am giving you the information so that you may understand the article I shall now read. It is published in the Montreal 'Gazette' of to-day, and is as follows :

An angry Liberal—Mr. Girard, M.L.A. for Rouville, charges peculiar arrangement by Minister of Marine.—Saving seat in the Senate.—Mr. Dessaulles is doing this for Hon. Mr. Brodeur, says the disappointed one

Mr. Alfred Girard, M.L.A. for Rouville, gives the following interview to La Patrie concerning the senatorial succession to the late Sir William Hingston :

'When Senator Hingston died my colleagues in the legislature, without first consulting me, prepared a petition to Sir Wilfrid Laurier asking for my nomination to the Senate. When I heard of the movement I said that I could not accept without the authorization of my leaders. This authorization, however, had been accorded in advance. All the provincial ministers supported the recommendation to the federal government, which was taken to Ottawa by the member for Laprairie. Sir Wilfrid replied that the matter was in the hands of the Minister of Marine. Mr. Brodeur stated that he feared to open the county of Rouville by appointing Mr. Girard. Hon. Mr. Gouin, however, relieved him of this apprehension by saying that he would be responsible for the provincial election. In the meantime a petition, signed by 210 leading Liberals in the county of Rouville was sent to Hon. Mr Brodeur, claiming the position for a man from the county of Rouville, and recommending their local member.

'Hon. Mr. Brodeur, whom I met in Ottawa, on Tuesday last, gave me to understand that the question was settled. He spoke to me as follows :—I will keep the position for myself. I will appoint in the first place Mr. Dessaulles, whose resignation I have in my pocket, to take effect on the eve of the elections when I will take his place and become leader of the Senate. I declared to Mr. Brodeur that I could not endorse such a scandalous act, and that I would not be a party to such an affront to the county of Rouville by its own member. I told him that he could appoint some one besides myself, but it must be some one from the county, which had waited long enough its turn. Informed of the fact my friend advised me to appeal directly to Sir Wilfrid Laurier in order to prevent the perpetration of this injustice. I went again to Ottawa and saw Mr. Brodeur, who said that everything would be arranged, that the county of Rouville would have its senator and that it was not necessary to speak to the Prime Minister. On the faith of this promise I returned. This was on Friday, and on Saturday the Governor General in Council appointed Mr. Dessaulles, of St Hyacinthe. I was at Marieville when the news arrived. I received messages from all parts of the county, and you can say that the dissatisfaction is general amongst the Liberals of the county of Rouville.'

I call the attention of the hon. leader of the House to these facts, because his seat is not very sure now, as at the eve of the general elections we are going to have a new leader in this House, and I ask him his intention in the matter. Will he, as the leader of this House, move the nomination

of a committee to inquire into the truth of those allegations, or will he take any notice of it? I put the question to him to see what he will do, reserving for myself the right to move in this matter later on.

Hon. Mr. SCOTT—I think the statement read by the hon. gentleman shows its absurdity on the very face of it.

Hon. Mr. LANDRY—It is a Liberal who makes the statement.

Hon. Mr. SCOTT—I care not whether he is a Liberal or Conservative. I do not suppose you would expect the government to take any stock in newspaper reports of that kind, written for a purpose. The Hon. Mr. Dessaulles was called to the Senate by recommendation to His Excellency to summon him.

Hon. Mr. LANDRY—The government has no intention to move in the matter?

Hon. Mr. SCOTT—None at all.

Hon. Sir RICHARD CARTWRIGHT—Not the slightest.

Hon. Sir MACKENZIE BOWELL—Every one must admire the reply given by the hon. Secretary of State to the statement which has just been read. He gave us information which every hon. senator must know to be a fact, that the hon. gentleman was recommended to His Excellency, and the appointment was made. That is not the point to which my hon. friend calls attention. The charge is that there was a bargain made by one of the ministers with the gentleman who was appointed, to resign when the Minister of Marine was prepared to accept the position and become the leader of the House and occupy the same position my hon. friend opposite now does. Now, when I read the article, I could not help congratulating myself on the fact that history repeats itself. It is quite evident that my hon. friend has some traitors in his camp, and it is an old saying that 'misery likes company'. Under such circumstances, I can from the bottom of my heart sympathize with my hon. friend. The only difference between the event to which I have referred and the present occasion is that the hon. gentleman is forewarned and I was not. He can sit in the Senate until the next general election, when his place is to be usurped by one of his colleagues. The question is, is that true? To be serious in this matter, my hon. friend says that you are to place no dependence in newspaper reports. I think this case is taken altogether out of that category. This is an interview with the reporter of 'La Patrie,' not of the 'Gazette,' and he has put upon record what the local member for Rouville is said to have related as occurring between him and a member of the cabinet. That is the charge. It is not a mere rumour. I had heard something of this when I called the hon. gentleman's attention to the rumour, but I would not venture to make the statements which are made in that article. The reason I think the hon. gentleman from Stadacona is justified in the position he has taken is this: If the government, in appointing gentlemen to this honourable body, are to enter into a bargain and sale, the sooner the country knows it and the better for the Senate.

Hon. Mr. SCOTT—It is absolutely untrue.

Hon. Sir MACKENZIE BOWELL—It is bringing the Senate into contempt every time anything of the kind is done. If the hon. gentleman is prepared to say the statement made by Mr. Girard is false, we are bound as senators to accept the statement; but here we have a statement made solemnly by a well known journal——

Hon. Mr. POIRIER—What paper is that.

Hon. Sir MACKENZIE BOWELL—'La Patrie.' It is translated and copied into the Montreal 'Gazette.' Now it is a question which should be set at rest in all seriousness. Bargains of that kind should not be made. Members appointed to the Senate should be appointed on their merits and not as the result of a bargain such as that which Mr. Girard states on the authority of one of the ministers, was made. It is something that the government ought to repudiate at once. If the Minister of Marine and Fisheries made such a statement as that referred in the article, he ought to either leave the cabinet or those who are associated with him should resign.

Hon. Sir RICHARD CARTWRIGHT—The rule in such cases, and the common

sense of the case is this : If my hon. friend from Belleville, or the hon. member from Stadacona who has brought the matter before the House, is prepared to rise in his place and say that he believes that such a thing took place, then undoubtedly he is entitled to demand an investigation ; but unless some member is prepared to take the responsibility on himself of saying that he believes this charge to be true, I would recommend the honourable House to pay no attention whatever to any newspaper statement of the kind that has just been read.

Hon. Mr. LANDRY—I should like to know where the hon. gentleman finds the theory he is presenting now, that, in order to bring a matter to the attention of the Senate, some member must declare that he believes the statement and believes he can prove it. I may bring up the question as a matter of privilege. If I make a personal attack against a member of this House I might be required to take the responsibility of saying that I am creditably informed that such a thing has occurred ; but where is the member on the government side of the House who thought of making an accusation in that form when he attacked the government of the day while the Liberal party were in opposition? They had perfect liberty to attack the government. The government to-day is accused of making a bargain, and I am free to bring that fact before the House, not as my own invention, but as a matter brought before the public by a member of the legislative assembly, a member of the Liberal party, who complains of the conduct of the Minister of Marine and Fisheries. I am asking the government, who have charge of the dignity of this House, if they will do something to preserve the reputation of the Senate. If they do not, the public will form their own conclusion.

Hon. Sir RICHARD CARTWRIGHT—I have told the hon. gentleman that we will pay no attention whatever to any such statement.

Hon. Mr. SULLIVAN—I wish to remind hon. gentlemen opposite that the French Canadians have no right to that appointment at all, and it was very dishonest of them to be bargaining about a seat which really belonged to somebody else. Whatever may be the policy of the government with regard to the representation of minorities, it ought to be considered that, when they appointed a gentleman so quickly to this House, there was something improper about it inasmuch as the hon. gentleman who so ably and well served in this House for many years should have been succeeded by some one of the same religious persuasion. I would not say a word about politics, but attention should be given to religion by the government whether openly or otherwise. I may as well tell the plain truth of the matter. I feel sad, as a Catholic that this representation should diminish, because it has been insufficient up to the present time. We have now only one representative in this House of the English speaking Catholics of the province of Quebec, while there are three representatives of the English speaking Protestants of the province of Quebec. That is unfair, and the head of the Liberal party should have had as much liberality as Sir Mackenzie Bowell, whom they always looked upon as the quintessence of Protestantism. The English speaking Catholics of the province of Quebec are entitled to at least two senators, and there are plenty of men of ability fitted to represent them here. As to the constituency being French, that has nothing to do with it. I represent a constituency where there is a large majority of Protestants, and there are other senators here in the same position. The onus of representing Catholics here, looking after whatever duties may devolve on him, falls on the hon. member from Victoria (Hon. Mr. Cloran). I hope he will not sink under the burden of his duties. The Catholic senators from Ontario—I cannot speak for the maritime provinces—will, I am sure, be happy to assist him.

Hon. Mr. KERR—As the hon. gentleman from Stadacona does not take the responsibility of making this statement, and has not offered a motion ; and as the hon. member from Belleville has been equally, shall I say, prudent in the matter, and as the hon. member from Kingston is equally

quiet on that subject, I suppose it only remains for us to express our cordial sympathy with the hon. member from Belleville for the position in which he found himself on an occasion of some importance. I am sure we all desire to extend to him our most cordial sympathy; but before doing that, and in order to give him the full measure of sympathy, I should like to know whether the statement he has made to-day is the correct one, as compared with one we heard before. We all read, not that he found a traitor in the camp, but that he found himself in his cabinet in 'a nest of traitors', and one who has found himself in such a position requires a great deal more sympathy than those who may find themselves associated with only one traitor.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Toronto, then does accept statements made in the press about what took place in the cabinet?

Hon. Mr. KERR—I take the statement of the hon. gentleman himself, that he found himself in a nest of traitors. To-day the reference is only to one traitor.

Hon. Mr. BEIQUE—The hon. member from Stadacona may have had the right to inquire whether the government was aware of anything such as was mentioned in the article he read, but when he received the answer which was made, it should have put an end to the matter. To my mind the statement which has been quoted is simply absurd. I happen to be closely connected with the hon. gentleman who has just been called to the Senate, and can say without hesitation that he had not even solicited the position. I affirm for myself that he never asked me or suggested my seeking the position for him, nor did I, and if he had been inclined to do anything of the kind I have reason to believe I would have been the first person to whom he would have applied. Therefore, members of this honourable House would feel assured that the hon. gentleman was appointed to the Senate in the most honourable manner. As far as this interview is concerned, I understand that the hon. minister, whose name has been connected with it, is to make —has very likely by this time made a declaration for himself.

Hon. Mr. KERR.

Hon. Mr. SCOTT—I should like to say a word in reference to the remarks made by the hon. senator from Kingston. At the time of confederation the various districts in Lower Canada were duly allotted. It was understood that a certain number of Protestant gentlemen were to represent the eastern townships and so on throughout the province of Quebec. The gentleman who was allotted to Rougemont was the Hon. Mr. Chaffers, a Frenchman, and, when Sir William Hingston was appointed it was well understood to be a departure, but Sir William's position at the time was so important and elevated that it was thought there might be a diversion in his case, but it was fully understood that when Sir William Hingston gave up the position or died it was to come back to a French-Canadian.

Hon. Mr. CLORAN—Since the statement is now made on behalf of the government by the hon. Secretary of State in regard to this matter, I feel it my duty to say a word or two on the subject. I did not wish to raise the question inopportunely, but the opportunity has come for me to say a word in behalf of the people I represent in the province of Quebec. The hon. senator from Kingston was very moderate in his statement in regard to the representation of minorities in that province. He said the English-speaking Protestants of the province of Quebec were represented by three senators. I find that they are represented by five—Sir George Drummond, Senator Owen, Senator Baker, Senator McKay and Senator Mitchell. The number may be a little more than they are entitled to, but their personnel certainly does honour to the position they occupy in this House on behalf of the people they represent and in the interests of the country. As matters go in the province of Quebec, the minority question is taken into consideration, and in the formation of the government of the day, whether it be Conservative or Liberal, no government since confederation has undertaken to form a Cabinet without an English Protestant from the province of Quebec. Under Conservative rule the English-speaking Catholics were fairly—not over numerously—represented in the Cabinet. They had as many as three and four at a time in the councils of the nation. They

had a Prime Minister, who was a Catholic, Sir John Thompson, a Minister of Inland Revenue, Mr. Costigan, Solicitor General Mr. Curran, and another able and well-known man who is now dead, Sir Frank Smith. So in those days we had very little to complain of. At present, and for sometime past, that element, which numbers about one-sixth of the population of Canada, has but one-fifteenth of the representation in the Cabinet. There is no use in denying that, and I am not here on behalf of my people to deny or conceal it. We feel that justice is not done in this matter and I wish it to be well understood that our people are no more office-hunters than others. The governments of the day, whether Liberal or Conservative, take effective means to secure representation outside of the ranks of the House of Commons and members of the Senate. They go abroad and select men for the position. They have done so on behalf of the French-Canadians in Quebec and also on behalf of the English Protestants in Manitoba, and they have done so in British Columbia.

Hon. Sir MACKENZIE BOWELL—And in Ontario.

Hon. Mr. CLORAN—And in Ontario also, especially on both sides, and I am not discussing this now from a party point of view, I am discussing it from the point of view of the welfare of the nation. I have no objection whatever to our English Protestant confreres from the province of Quebec, having as many hon. members in this House or in the other Chamber as they are in a position in many counties to elect, although their power is decreasing every day in that regard, and the day is fast coming when in no county except through good will and generosity of the French people can an English member be elected to the House of Commons. Probably in the province of Quebec there are not more than three or four constituencies where they have enough English speaking population, Protestants and Catholics combined, to elect a member. It depends on the goodwill and generosity of the French Canadian element to elect them to parliament. I must state here, to their great credit, that they have not been backward in affording facilities to the English speaking people to obtain representation, either by election or nomination, and I express my admiration of these generous qualities. If that is admitted as far as the English speaking Protestant element is concerned, I would like on behalf of the other section of the population to secure if possible, I won't say equal or as great, but a fair share of the representation. We have had an example of what the French Canadians are prepared to do in that matter, no later than last month, when a French county elected an Irish Catholic in the person of Mr. Charles Devlin. Apart from that county we have Quebec Centre and Montreal Centre, which claim it as a right, and in which as a matter of fact, according to the electoral lists, if the Frenchmen wish to nominate a candidate, we would have absolutely no chance to elect a member. So that we have to depend upon the good-will of the French population.

Hon. Mr. LANDRY—And Quebec West.

Hon. Mr. CLORAN—Yes, that is what I say. Now we are not afraid of the electorate. The people are very generous in that respect; but we come to the government of the day, who control the destinies of this country, who wish to have the country develop along lines of union and harmony, and I say to the government, that they should be as generous at least, and as careful of the rights of the minority as are the electors. The English speaking Catholics are more numerous than the English speaking Protestants, yet we have but one member here.

Hon. Mr. POIRIER—What is the Irish Catholic population?

Hon. Mr. CLORAN—I think 150,000 to 160,000, and the English Protestant population is about the same number—about evenly divided. I have not the last census, but I have the previous one.

Hon. Mr. POIRIER—About one-fifth of the whole.

Hon. Mr. CLORAN—No, there is one million four hundred thousand.

Hon. Mr. DAVID—How many Irishmen are there in that division?

Hon. Mr. CLORAN—There are eleven hundred odd English speaking people in that

division of Rougemont, composed of Rouville, Iberville and St. Hyacinthe, of which some four hundred are English speaking and one hundred odd Scotch and four or five hundred Irish. I am taking the figures in the official organ of the government, and also the press, where it was stated that the minority had no right to representation there, quoting these figures which I have given to the House: that the population of the three divisions amounted to 48,000, and out of that there was not more than 1,100 English speaking people in the three districts. But that does not destroy the point I am making. It is not against the present nomination, but it is in regard to favourable action being taken by the government of the day that I speak. As a matter of fact, our numbers would not entitle us to any representation, not even in the city of Montreal, which I represent. We are not in a majority by any means in that city. I represent the largest part of the city of Montreal wherein there are over 200,000 of a population, but there are not more than 40,000 English speaking Catholics, and they claim the seat on the same ground it is claimed to-day. If we are to throw aside all questions of minority representation, I for one am prepared to accept and abide the consequences; but no two rules, or two measures, should apply. When a division like St. Lawrence Ward, in the city of Montreal, which is equally divided between French and English that the organs of public opinion shall not say to the Catholics of the county, 'You have no right to a candidate there because it is the Protestant banner county.' It is not that by any means. The interest represented by the 'Daily Witness,' and other organs of public opinion in Montreal, made Dr. Guerin retire from the contest, simply because he was of the Catholic persuasion, and that was the argument which forced him to retire. Now the statement that the division was a Protestant banner county is not correct. It is half French, one-fourth English and one-fourth Irish Catholics, with a mixture of Jews, Poles and others; but if the English speaking Protestants of the province of Quebec, or any other part of the country, are entitled to lay that down as a principle for their guidance in the administration of public affairs or public men, then I say apply that rule along the whole line. Don't stop in the face of one minority and neglect the other. But if all minorities would undertake henceforth not to base their demands for representation on those grounds, in either section of parliament or in the government, I for one as a Canadian, am prepared to accept the consequences and let the best man win, irrespective of claims based on religion and nationality. I am not in favour of that for a growing young people as we are; but what I contend here is that when the rule applies favourably to one section that it must not be made to tell against another section which is entitled to the same rights and to the same consideration as obtains whether under election or under nomination. I did not wish to approach this question, but now that it is before parliament, it is time that the government should know that the English speaking Catholic element of the province of Quebec in particular, in regard to this matter is not satisfied with its representation, and, unfortunately, is not in a position to dictate what it wants, because the English speaking Catholic element suffers from—I do not say division, but from diffusion over the entire province. They are not sufficiently strong in any one county to dictate to a convention who the candidates shall be. The English-speaking people of the province of Quebec have been in that happy condition for thirty or forty years. They are fast losing that position owing to emigration of their own people and immigration of French people into the English townships. We have no counties in which the English-speaking Catholics are sufficiently numerous to dictate the nomination of candidates at party conventions, therefore we labour under a difficulty which we are not capable of remedying, and the only remedy we would suggest is for the government to be as fair and generous to that element as the electorate is whenever they have a chance to do so. That is the position as far as representation on the floor of this honourable House goes. I may also state in regard to the government that the English speaking Catholic element of this country is not satisfied with the amount of representation in the Cabinet to-day. There is no doubt that we are entitled

to more. We have only one out of thirteen or fourteen departments. We have very few men in the higher positions in the government and it is not because we want to be office-seekers or that we are office-hunters any more than the others, but it is well understood that the influence of any section of the country or of any nationality is determined by representation in the Cabinet and in the official life of this Dominion. What was the reason of the fight made by British Columbia for reform? Simply because that section of the country wanted to have influence in the councils of the nation. After a long and tedious fight they succeeded. Manitoba made the same fight. The western provinces, I hope, will do likewise, so that it is not as office-seekers we are bringing this matter before the public, it is because the influence of the people composing the nationalities of this confederation is acknowledged, weighed and measured by the representation it has on the floor of this House, on the floor of parliament and in the Cabinet of the country. That is the ground which we adopt. It is a fair ground. It does not trespass on the rights and privileges or prerogatives of any other province; I am always pleased to see every section of the country get fair-play in regard to these matters, because when a man holds a position in the Cabinet he is representing a certain section of the Dominion and has a certain influence in the government. It is the same on the floor of this House and on the floor of parliament, and we English-speaking Catholics are to-day without that legitimate influence which our population alone entitles us to. Out of the 6,000,000 people in this country we number close to 1,000,000, and we are without adequate representation. Our representation is good, but it is not adequate. These are facts which I think it is just as well the country should know. They feel it and they have nobody to voice their sentiments. Probably I have been a little to blame in not having brought the matter before parliament until to-day, but under the circumstances I would be failing in my duty if I did not remind this honourable House and the government that that element has been neglected in the past, and I would like to see a little more fairness and generosity extended to it, although they are not in a position to command it. Having regard to the principles of good government and the principle which underlies the administration of this country, the people of Canada should build themselves up along the lines of harmony, peace and union, and the best way to bring about so happy a result is by having a fair and proper representation.

Hon. Sir MACKENZIE BOWELL—I do not propose to enter into the discussion which has been going on between the two gentlemen on my left. I want to justify the position taken by the hon. gentleman from Stadacona. I remember upon two occasions in the lower House, when I had the honour of a seat there, of having taken a somewhat similar position upon two very serious matters. I called the attention of the government to certain facts, and asked them if they intended to take action in the matter, and the reply was, 'No. You have brought the question before the House and you can act on your own responsibility.' I did so. But, in the present instance, the hon. gentleman from Stadacona has read to the House a statement which reflected upon one of the ministers of the present Cabinet, and also upon the government generally, in which a representative in the local legislature of the province of Quebec makes certain statements—at least he is represented to have made them—in a responsible newspaper, that reflects not only upon the government, but reflects upon the honour of this House, if those statements are correct. Then he asked the government if they intend to take action, and what was the answer? The hon. Secretary of State said, 'We pay no attention to rumours and statements in the newspapers.' The hon. Minister of Trade and Commerce said, 'If you have any charge to make against the government, take the responsibility of the act yourself and make the charge.' These were the two answers which came from the Cabinet. It rests with the hon. gentleman from Stadacona to take what action he pleases in the matter in future. It is quite in accordance with parliamentary practice, under similar circumstances, that some action should be taken. I give that as my opinion from my somewhat extended experience, and I am inclined to think my

hon. friend the Minister of Trade and Commerce will concur in the correctness of the remarks I have made. The hon. gentleman from de Salabery did not meet the case at all, if he will permit me to say so. He stated what is absolutely correct, as far as I have been able to learn; but that had nothing to do with the charge which Mr. Girard makes against the Minister of Marine and Fisheries, and when he sets himself right, then it will be for the hon. gentleman from Stadacona to take whatever course he thinks proper in defence of the dignity of the House.

Hon. Mr. SCOTT—Does the hon. gentleman pretend to say that the practice in the past has been for a gentleman in one Chamber to make an attack on the member of the government which can only be answered by a member of the other House? Neither my colleague nor myself had heard anything of the affair. The proper place to have made the charge was in the House of Commons where it could be met, and not here. It does not seem to be very good taste, nor in accordance with the usual good feeling which should prevail, to make a charge behind the back of a gentleman who is not represented here, because it was entirely new to my hon. colleague and myself; therefore it appeared quite unseemly and quite contrary to parliamentary practice, to attack a member of the government holding a seat in the other Chamber.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has put words in my mouth that I never uttered. I made no such intimation as he states. This is a question which affects the honour and dignity of this House, and the hon. Secretary of State and the hon. Minister of Trade and Commerce form part and parcel of the Cabinet which made the appointment, and, if the bargain as indicated by Mr. Girard in that article was made, then they are equally responsible.

Hon. Mr. SCOTT—We denied it.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had said, 'I know nothing about this; I will make inquiry about it and see what the Minister of Marine has to say about it,' that would have ended it.

Hon. Mr. DAVID—I have no objection to the hon. gentleman from Kingston and the hon. gentleman from Victoria trying to obtain as much as they can for their portion of the representation, but I think if they have any claim they should press it in another division. The French-Canadians are not bound simply because they consented in the case of a man like Sir William Hingston, a great man, a man of large character, to make an exception, and repeat the favour as long as there is a Rougemont division.

Hon. Mr. SULLIVAN—Does the hon. gentleman admit the right of the English-speaking Catholics of this province to representation in this House?

Hon. Mr. DAVID—I admit their right, and I think they are very well represented so far. I think the hon. gentleman from Victoria division is aware that the Irishmen are well represented, but it is neither just nor generous to insist that these favours must be repeated. The French Canadians have sacrificed their rights in certain cases. Does the hon. gentleman remember that there was a period in our history when Mr. Baldwin, after having been defeated in his county in the province of Ontario, was elected unanimously by the French Canadians of Rimouski? When Mr. Baldwin was obliged to leave his seat for the county of Rimouski, did the English people contend that because the French Canadians had been so generous as to give him that constituency once that they were entitled to have another Englishman elected in Rimouski? No. I think the same argument applies in this case, and that the French Canadians of Rougemont had a right, after the death of Sir William Hingston, to resume as a right the favour which they yielded as a matter of courtesy. They were not bound to continue the favour simply because they made a concession in regard to Sir William Hingston.

Hon. Mr. SULLIVAN—There is no parallel at all in the Baldwin case.

## EASTERN TOWNSHIPS RAILWAY COMPANY BILL.

### THIRD READING POSTPONED.

The Order of the Day being called :

Third reading Bill (42) An Act to incorporate the Eastern Townships Railway Company. —Hon. Mr. Mitchell.

Hon. Mr. GIBSON—Items 1, 2, 4 and 6 on the order paper will have to stand until the question of provincial rights has been decided by this House. I therefore move that the first Order of the Day be discharged and placed upon the orders after this question has been disposed of.

Hon. Mr. POWER—Order No. 6 is the one on which the discussion has taken place, and I think the hon. gentleman's motion should be to let the other third readings stand until we have disposed of No. 6.

Hon. Mr. LANDRY—I think the proper way is to take item by item and dispose of each in its turn.

The SPEAKER—As these Bills stand in the names of different senators, I think it is better that each hon. member should move the discharge of the order.

Hon. Mr. GIBSON—I move, on behalf of the Hon. Mr. Mitchell, that the first order be discharged and that it be placed on the orders for to-morrow.

Hon. Mr. SCOTT—I do not think the House ought to commit itself to the principle that all those Bills are on the same plane ? We have always discriminated in the past. Each one has been judged on its own merits. If it is a gross case, it naturally creates a very much stronger sentiment to throw it out, but we have allowed a number of Bills to pass where the local lines of railway have been connected with the main lines throughout the country where they have been connected with the frontier, and, therefore, I do not think it quite proper to lay down the principle that they are all in the same position. In regard to one of the Bills, we had a protest from the province. In regard to the others, we have had no protest. They seem to be quite willing the Bills should go through, so that the conditions in the case are quite different.

Hon. Mr. FERGUSON—I think no harm can be done by the hon. gentleman's motion. Any question in connection with these Bills can be discussed afterwards.

Hon. Mr. GIBSON—It is quite true, as the hon. gentleman says, that there has been no protest from any of the other provinces for the very good reason that these Bills were not submitted for the approval of the provinces, and this Bill was sent up specially to the Ontario government, and the representative of that government appeared before the committee and in the wisdom of the committee, they passed the Bill in its present form.

Hon. Mr. FERGUSON—Would it not be better to reserve the discussion until we reach the Bill?

The motion was agreed to.

### THIRD READING.

Bill (68) An Act to establish the Intercolonial and Prince Edward Island Railways Employees' Provident Fund, as amended.—(Rt. Hon. Sir Richard Cartwright.)

## HADLEY DIVORCE BILL.

### THIRD READING.

Hon. Mr. PERLEY moved the third reading of Bill (NN) An Act for the relief of George William Hadley.

Hon. Mr. LANDRY—I do not want to ask the hon. gentleman to postpone this motion until to-morrow, but if it is possible to do so, it would be more convenient. If not I will move the three months hoist immediately.

Hon. Mr. FERGUSON—Let it go until to-morrow.

Hon. Mr. LANDRY—I move that the Bill be not now read a third time, but that it be read a third time this day six months. My reason for making this motion was that it was disposed of last year, and it comes back this year with about the same evidence, except this year there is no defence because the respondent is sick in the hospital. The House having rejected the Bill last year, I think the same action should be taken this year.

Hon. Mr. WILSON—Having opposed this Bill on a previous occasion, and as I conceive there has been no new evidence warranting this House acting in a different manner from the way it acted last year, I feel that I could not conscientiously record my vote in favour of this divorce without doing an injustice to the parties. It may be said there was additional evidence, but that evidence was given by persons in the employ of the hotelkeeper, who is the petitioner. Hadley's sole evidence was that of parties in his employ and under his control and who should have been brought before the committee last year. We are now asked, on the same evidence that was submitted last year, and with this additional evidence, to stultify our previous action. If any substantial new evidence had been brought in to sustain the allegations of the petitioner, I would be prepared to change my vote. It may be asked, why did not this woman appear, and again oppose the passage of the Bill? We do not know; we have no means of knowing what took place between the husband and wife, whether there was collusion to obtain a divorce. The petitioner swore there was no collusion, but we know what such testimony amounts to. We have had cases of that kind before; I am satisfied there must have been collusion between the husband and wife to account for her absence. Either that, or the woman's heart failed her when she felt that she might be dragged back here year after year to be examined and cross-examined before the committee. And further, it must be borne in mind that the husband is well off and able to come here every session and employ solicitors from all parts of the country and bring witnesses from his hotel to attack the character of this woman. The petitioner was not satisfied to trust his case to lawyers in this locality, but employed one of the ablest counsels in Toronto, a man of superior ability, whose presence almost deters a witness from giving evidence he does not wish for. This lawyer was brought to assist Hadley in getting a divorce to enable him to marry again. I feel that I am only doing justice to my own conscience, and vindicating the honour of this parliament by voting as I ask this honourable House to vote, against this Bill.

Hon. Mr. LANDRY

Hon. Mr. WATSON—As a vote was taken in this House a year ago on the same divorce case, and I think I led the attack against granting the divorce, I may say I did so on account of what appeared to me defective evidence. So far as I am concerned, I have had good reason to change my mind from the nature of the evidence produced this year. They were a different class of witnesses, and I am prepared to support the report of the committee on this occasion.

Hon. Mr. BOSTOCK—As one of the members of this House who took part in the discussion on the Bill and voted against granting the divorce on the last occasion, I may say that I listened this year to the evidence produced before the committee in this case, and was thoroughly satisfied with the fresh evidence produced that the preamble of the Bill was sustained. Had that evidence been brought before us last year, the stand I then took on this case would have been very different. I certainly consider that the evidence produced this year before the committee was sufficient to justify this man getting his divorce, and I shall vote in favour of the Bill

The amendment was declared lost, and the Bill was read the third time, and passed on a division.

## THIRD READING.

Third reading Bill (59) An Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make such Surveys.—Hon. Mr. Scott.

## THE HUDSON BAY ROUTE.

### DEBATE CONTINUED.

The Order of the Day being called:

Resuming the further adjourned debate on the motion of the Hon. Mr. Ferguson:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency may be pleased to lay on the table of this House, copies of all reports and communications in possession of the government not already submitted to parliament, regarding the navigation of the Hudson bay and the resources and climate of the territory contiguous thereto, also copies of all grants of fishing, mining and lumbering rights, given at any time, by the government, in the said bay and territory; also copies of all reports of surveys received by the government from either engineers, surveyors or geologists, on the feasibility of railway routes, connecting any existing or prospective railway with any

port on Hudson bay or James bay; also a statement of grants of land or money which have been proposed, or asked for, in aid of such railways. Also, copies of all reports received by the government in relation to the establishment of lights or other aids to navigation of Hudson bay and Hudson straits, and also a statement showing what action, if any, has been taken by the government regarding the establishment of such aids to navigation. —Hon. Mr. Lougheed.

Hon. Mr. LOUGHEED—When I moved the adjournment of this debate, I can assure the House it was not with the intention of prolonging the discussion, or in any way dealing with the controversial questions which necessarily enter into a matter of this kind. It was rather with the view of making a few suggestions with reference to the policy of the government announced a few days earlier through the Prime Minister as to its attitude on this question. It may not have received that attention which so important a subject demands, that the government announced very definitely its committal to the building, not only of the Hudson bay road, but of the opening of the Hudson bay route for the shipment of our western products to European markets. If the government assumes the responsibility of adopting that route as a practical one for all western purposes, we may therefore not for the moment concern ourselves with the question of its feasibility. I would direct the attention of the House to the statement made by the premier in another place as follows:

> But there is one thing still more needed, that is an outlet to the sea, and the outlet to the sea is to be found in Hudson bay.

A more definite announcement than that could scarcely be made. It now remains for the government to formulate the details of its policy, and to submit that policy to parliament and the country. But it seems to me also that it would not be improper, but rather expedient, that the government should be apprised, so far as we can impress conviction upon it, as to what constitutes public sentiment west of the great lakes in relation to the policy which should be pursued in carrying out this great undertaking. Important discussions have taken place in some of the provinces of the Dominion of recent years as to an extension of their boundaries. The great province of Ontario has applied to this government for additional territory so as to permit the extension of its boundaries to Hudson bay and including therein Fort Churchill. The Manitoba government has likewise been urging their claims, as has also the province of Saskatchewan. Those three provinces are so situated that an extension of the boundaries of any one of them might very well be made to include this particular port. I desire to express my disapproval of any policy of that kind being pursued. In my judgment, Fort Churchill should not be conceded to any province; but should remain a national port under the sole control of the Dominion government.

Hon. Mr. POWER—Would the hon. gentleman tell the House what difference there is between a port being in a province and not being in a province as regards the country at large? What effect has the provincial jurisdiction?

Hon. Mr. LOUGHEED—I will try and develop that idea in as short a way as I can, by showing that there is evidently an intention on the part of the three provinces I have mentioned to increase their importance by having their boundaries extended to and including Fort Churchill. Hon. gentleman will also remember that my hon. friend, the leader of the government in this House, a few days ago brought down certain documents showing there were a great number of applications from corporations and private individuals for concessions of all kinds in that particular district, and, so far as we can observe, the government, up to that time had, apparently, not dealt with those applications; but were apparently giving consideration to whatever representations may have been made. It, therefore, must be quite apparent that if the very important possessions vested at present in the federal government in and about Hudson bay are conveyed to private individuals, corporations or even provinces of the Dominion, the national government must necessarily, to a very large extent, lose control of the administration and development generally of that port, which, I say, concerns most deeply not only western Canada, but the people of the whole northwestern portion of the continent. My present impression is, so far as I can read public opinion in the west, that this

should be a state-owned enterprise, under the control of the national government, and administered by a commission so far as that idea can possibly be carried out.

Hon. Sir RICHARD CARTWRIGHT—I should like to know exactly what the hon. gentleman has in his mind? When he speaks of it as a national enterprise, does he mean that the port should be kept as a national port, or that the railways should be included also?

Hon. Mr. LOUGHEED—I am coming to that. I would submit this proposition to the House: That the government should not alienate any of the public domain or proprietary rights vested now in the federal government, so far as the carrying out of this enterprise in its broadest features are concerned. In the first place, what is known as the Hudson bay road should be constructed from the Saskatchewan to Fort Churchill by the government; it should be a state-owned road bed, and the government of the day should give running rights to all railways choosing to operate over its rails. This idea has been growing steadily in that western country for several years past. When hon. gentlemen take into consideration the fact that we have now practically four of the largest transcontinental systems rapidly developing that country it will at once be observed, and its importance must be noted, that whatever links connect the Saskatchewan river with the Hudson bay should be a state-owned road-bed, so that the four great systems which are operating in the west may have running rights to tide water under the control of a properly appointed commission. The Canadian Pacific Railway is already at the Saskatchewan. The Grand Trunk Pacific is skirting in its construction the whole of the great Saskatchewan river and we have the Canadian Northern in the same vicinity. We have the Great Northern, one of the great railway systems of the United States steadily pushing its way into the interior of that country. Consequently, before this road to Hudson bay could be built, I undertake to say we will have four great transcontinental systems operating throughout the whole of that northwestern country. Therefore, it only requires to be mentioned for hon. gentlemen to appreciate its vast importance to that western country, the great facilities which necessarily would be afforded to those transcontinental systems if the government owned the road-bed and gave to these railway systems free running rights from the Saskatchewan to the sea. Then as to the port. The road having been built, the government must necessarily give the best consideration to the development of the port of Churchill. In my humble judgment, the government should establish that as a national port; should build dockage piers, wharfs and elevating facilities so that the port should be equipped according to most modern conditions in every respect.

Hon. Mr. POIRIER—By 'national ports' does the hon. gentleman suggest a free port like Hamburg in Germany?

Hon. Mr. LOUGHEED—I used it in its general and broadest sense. Whether it is to be a free port or tolls are to be exacted, is largely a matter of detail. The idea I wish to convey to the House is that the government should exercise the broadest powers in dealing with the subject of the development of that port both in its control and administration. Now, as to administering it, the road being built, and the port developed in the way of the construction of docks, wharfs, piers and elevating facilities, it seems to me that that property should be administered by a commission. It is time that the government of Canada placed in commission the carrying out of great public undertakings of this particular character, and I further think that that commission should represent in its composition the three or four great provinces interested. There is the province of Ontario which will doubtless be interested, but not so directly interested as Manitoba, Saskatchewan and Alberta. That commission should have on its board representation from each of these provinces, as well as of this government. If the national government is not prepared to assume the entire cost of carrying out this undertaking in a manner such as the requirements of that country demand, in my judgment the government should say to these western provinces, particularly Manitoba, Saskatchewan

and Alberta, we are prepared to financially co-operate with you in carrying out a broad, comprehensive and successful scheme provided there be a distribution of expenditure and liability. If this government is not prepared to assume the full financial responsibility, these three provincial governments will be prepared, from what I know of public opinion in that country, to contribute such a proportion of the liability as may be necessary to make the opening up of this route an undoubted success. The federal government need have no apprehension as to those governments having the fullest confidence in the enterprise, but, as I have already referred to the declaration made by the Prime Minister as to the opening up of this route, it seems to me the government is not going to open it up unless under a scheme commensurate with its importance. Now as to the financial basis. Hon. gentlemen will be familiar with the fact that a land grant was made some years ago for the purpose of building this road and still remains on the statute-book. From what the leader of the House said the other day, I inferred the government is still prepared to give that land grant to any company carrying out that enterprise. The land grant provides for 12,800 acres per mile. The road will be approximately 400 miles in length, which would represent an acreage of at least 5,000,000 acres. I will undertake to say that if that land grant be handed over by the government to a state commission and properly administered in the interests of that western country, and not in the interests of speculators, that at least $5 an acre can be realized from its sale and administration.

Hon. Mr. WATSON—Has not that land grant lapsed ?

Hon. Mr. LOUGHEED—Yes, the land grant under the order in council lapsed on the 10th of July, 1906.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—If my hon. friend will look at the papers brought down, he will see that it did.

Hon. Mr. SCOTT—That was the location of a certain portion of it ; but the Act of 1884 was wholly indefinite. It provides that whenever a railway was built to Hudson bay it would be entitled to that grant.

Hon. Mr. LOUGHEED—There is an order in council——

Hon. Mr. SCOTT—The order in council could not repeal the statute.

Hon. Mr. LOUGHEED—The statute simply made provision that a land grant might be given for the construction of this road. The Governor in Council from time to time passed orders in council as to the conditions on which it should be earned. It was extended from time to time. The last extension made by the Governor in Council, of this particular grant to the Canadian Northern Railway, expired on the 10th of July, 1906. I have not been able to find amongst the papers—and I looked through them thoroughly—any extension of that order in council.

Hon. Mr. SCOTT—You are quite right, so far as the extension is concerned.

Hon. Mr. LOUGHEED—Then the land grant has lapsed. It is entirely discretionary with the government whether they shall extend it, and it seems to me that, in the public interest, it would be suicidal for the government of the day, now that that country has been opened up and its possibilities as clearly in evidence as the sun at noonday, that any government should give to a private corporation 12,800 acres a mile for the purpose of building a prairie road.

Hon. Mr. GIBSON—Hear, hear.

Hon. Mr. LOUGHEED—I venture with the utmost confidence this opinion, that it was entirely discretionary with the government of the day whether that land grant should be extended or not. The statute was not mandatory. It gave a discretion to the government, so that it could exercise its discretion or not whether the grant should be given. The government did exercise its discretion up to a certain point, and finally extended the time, by order in council, until the 10th of July, 1906.

Hon. Sir MACKENZIE BOWELL—I ask for information, was this land grant to be of land along the line of railway or in any part of the Northwest?

Hon. Mr. LOUGHEED—I do not think the location of the grant was defined. It was understood, I believe, that it would be along the route ; but from the evidence

before the Senate committee which is now sitting, it is quite apparent that 5,000,000 acres of good arable land could be readily selected from the Saskatchewan river northward, and I think I am quite within the mark when I say if that land grant were properly administered at least $5 an acre could be realized, thus realizing and establishing a fund of $25,000,000. And now let us consider what application in carrying out such a policy as I have indicated might be made of this $25,000,000. I would divide that into thirds ; $8,000,000 would build the road-bed of which I speak, namely $20,000 a mile. It would not be necessary for the government to equip the road ; therefore I venture to say approximately $20,000 a mile would build a road-bed suitable for carrying the products of the country to Churchill. I would take another third and apply it to the development of the port, in the building of docks, piers, wharfs and elevating and storage facilities. While I cannot speak with any authority upon the cost of carrying out such an undertaking as that, I venture to say that a judicious expenditure of $8,000,000 would fully carry out, for present purposes, improvements of that character. We have over $8,000,000 left. The questions arises in my mind as to the policy of inducement which should be adopted with reference to the opening of navigation in Hudson straits. Whether it is advisable for the government to bonus a fleet of iron steamships with properly equipped ice breakers, such as are used in the Baltic and other northern waters, is rather doubtful in my mind. It seems to me that a much more desirable policy, and one that would encourage the utilization of that route by tramp steamships would be a bonus on every bushel of grain carried from Churchill to Liverpool. The investment of $8,000,000, at four per cent, would realize somewhere over $300,000 annually. That would permit of a bonus running any where from half a cent to a cent and a half a bushel according to volume shipped upon every bushel of grain carried from Churchill to Liverpool ; when you take into consideration the fact that grain is being carried from Canada or United States ports to European markets for, I understand, from two and a half to three cents a bushel, you can readily appreciate that a bonus of say from one-half cent to a cent and a half per bushel —it would depend upon the quantity carried—would be a very great inducement to steamships of the tramp order to navigate Hudson straits and thus open up a highway to European markets from the port of Churchill. Therefore, shortly reviewing what I have said, I think the government should administer this enterprise entirely as a State undertaking. They should build the road-bed, the dockage, and all the terminal facilities at Churchill. They should invest a fund sufficiently large to produce a bonus towards navigating the straits, and all these including the sale of the land grant, and the administration of the fund, should, in my judgment, be carried out by a commission judiciously selected from that western country, of men whom the country and the people of Canada could trust. It affords me the most profound satisfaction, without discussing the controversial features of the case, to know that the government of the day has committed itself in such an uncomprising way to the carrying out of this great enterprise. The country is to be congratulated that this very important question is to be taken out of the realm of suggestion and is about to emerge into the sphere of actualities. I must apologize for assuming anything like a presumption of suggesting to the government what I think should be their policy on this very important question. I excuse myself for doing so, by saying I think what I have outlined represents pretty much public opinion in the Northwest.

Hon. Mr. SCOTT—In the Dominion Lands Act of 1884, the Governor in Council is authorized to aid the construction of a railway by allowing a grant of 6,400 acres per mile in Manitoba and 12,800 acres for each mile beyond the boundaries of Manitoba. An order in council could not repeal that.

Hon. Mr. LOUGHEED—My hon. friend does not understand what I have said. The Act is not repealed. It still remains on the statute-book ; but the discretion of doing that, is vested in the government, and the responsibility is thrown on the government of carrying out the views of parliament. the concessionnaires, if I may so call them, did not comply with the order in council.

They did not build the road, and the order in council provided that if they constructed it before such and such a date they would be entitled to the land grant. They have not done so; consequently the order in council has lapsed, the land grant is yet vested in the Crown, and the railway has no further claims except this government should be induced by importunities which will be forced upon them immediately this property becomes valuable, to extend that order in council. But I hope the government of the day will be proof against any such influence, and that they will administer this as a great public property and not hand it over to railway corporations or individuals who will privately profit thereby.

Hon. Mr. DOUGLAS—Before the debate is closed, I wish to bring before the House very briefly a report which has been placed in my hands by the Commissioner of Agriculture for the province of Saskatchewan, in reference to the present condition of the grain trade. I shall not go over this lengthy report in detail. I have taken the trouble to condense it, and shall endeavour to give the main facts as setting forth the crying necessity, not only for the building of the road we have been discussing, but of more thoroughly equipping the roads already built. There is immediate need, not only for the extension of our railway lines, but more especially for the equipment of them. I am quite willing to admit, on behalf of the railway companies that during this year they have had special difficulties owing to the severity of the winter and the extreme frost with which they have all to contend with as weakening their motive power and largely detracting from its efficiency. They have not been able to overtake the work which no doubt they would have done under other conditions. I believe, in the circumstances, they have done the very best with the rolling stock that they had at their disposal; but be it remembered that the extension of these lines has not helped, for this reason, that the rolling stock has not increased in proportion to the extension of these roads and the productive power of the country, and hence the difficulties that have arisen. Now this report is upon the present condition of the grain trade in Saskatchewan and be it understood that my remarks apply solely to that province. The facts have been gathered from different brancnes of the Saskatchewan grain growers association, agricultural societies, boards of trade, village overseers, throughout the province, and it gives the facts concerning the quantity raised at each railway station, the quantity shipped, the quantity stored in elevators at the present time, the quantity in the hands of producers, and in private graneries and in private bins.

I shall simply give you a summary of these things. In the province of Saskatchewan, during the year 1906 there were 24,758,000 bushels of wheat. During the shipping season of the early fall and winter there were carried out by the railway companies to market 8,549,000 bushels. At present there is stored in elevators wheat which has not reached the market, 5,956,000 bushels. In farmers graneries, 6,972,000 bushels. In temporary bins, it may be on the fields or on the prairie, some of these bins constructed of sawed lumber, some of them of poles, the grain merely covered by straw to protect it from the weather, in a condition that will not endure the changes of the season upon which we are entering. Therefore you can see the condition of things. In these temporary bins are stored 2,553,000 bushels. I wish to read you just a few very brief extracts from different points on railway lines setting forth the conditions that exist and the difficulties under which the people labour. You can easily see that an increase in the population is only increasing the transportation difficulty for the people who are now raising the grain and seeking to get it to the market. I shall not attempt to give you anything like an exhaustive statement with reference to the condition of the localities but only a few specimens. At Caron, there is the following note:

Caron.—Conditions are bad, bad,—never worse, practically blocked since December 19. Relief to be effective must be speedy. Scores of farmers have marketed no wheat and are at their wits' ends for money. Wheat stored in temporary bins will be seriously damaged unless moved. Can't you do something? This is no child's play. You know Caron. The roads going in will be simply impassible for a month as soon as it breaks. Can you do something before that time? Relief must come before March 15 if at all.

From Glen Ewen we have the following:

Glen Ewen.—We have to date received 109 cars, while over 200 cars are still on order

book. Men ordered cars on September 25 and have not yet received them. All business is at a standstill on account of the car shortage.

From Carievale the report is :

Carievale.—At this date last year 300,000 bushels were marketed at Carievale alone, as compared with 225,000 bushels this year. There are over 100 cars on order now, while this time last year there were none. The bulk of last season's crop was shipped before navigation closed, this season only a small quantity.

At Belcarres :

Belcarres.—There is practically no shipping now, and last year, while the shipping was retarded we had quite a portion shipped each month. There is a large quantity of wheat in piles on the ground, as the people have no bins.

Then at Abernethy :

Abernethy.—In the month of January, 1906, we shipped from this point 350,000 bushels. This time last year we had all the cars we required. The situation has improved in the last week. We are now getting at the rate of one car per week.

At Arcola :

Arcola.—Wheat is covered with straw and snow. Conditions may become serious unless we get rolling stock to take care of grain. Everything is now at a standstill.

At Antler :

Antler.—This year the elevators have been blocked ever since the first week of October.

At Churchbridge :

Churchbridge.—Situation is rotten as compared with last year. There has not been a car shipped from here, nor a bushel bought in town since December. As a consequence the business of the whole community is at a standstill.

At Saltcoats :

Saltcoats.—This point is completely tied up. Two of the elevators have shipped only one car each in the last month. Trade is paralyzed and if no relief is given before the breakup, 30,000 bushels of wheat and at least 50,000 bushels of oats will be spoiled. Last year grain was kept moving all the season.

At Langenburg :

Langenburg.—There is a large quantity of oats in the farmers' hands, and much of it is lying in the fields with only straw for a covering. There are still about 80,000 bushels of oats to be marketed.

At Rosthern :

Rosthern.—Since the road was taken over by the Canadian Northern Railway the shipping facilities have been of the very worst. Only three cars of wheat have left this station since December 15, 1906. Last year we had but one blockade, and it lasted barely a week. The remainder of the time grain moved steadily.

At Francis:

Francis.—One year ago we had a fairly free movement of wheat all through the season, but this year there has been a congestion almost continuously since threshing. We have shipped only six cars in the last two months.

I am sure that I have read enough quotations from the report in regard to various points along the lines of railway in the province of Saskatchewan to impress the hon. members of this House that there is a growing necessity that something should be done to elevate the condition of the people. The people have no money; they have to meet the engagements with their merchants; they are paying interest in the meantime, and the grain is not available on the market. So that we need to impress upon the railway companies even if they are obliged under the circumstances to curtail their energies and efforts in increasing the mileage of their roads, to spend more money in increasing the rolling stock to relieve the producers of that country, and that at an early date. This is a much more important question than even the building of the road to Hudson bay, however pressing that may be. We cannot overestimate the necessity of being prompt in increasing the facilities for getting the wheat of that country to market. If the people continue to push into the country as they have done in the past two years, this difficulty will increase in proportion. Every man who goes there is either a producer or a labourer, and his necessities must be met; and indeed it is the present railway facilities have all they can do to supply the merchants with their goods in anything like fair time. To get a shipment of goods from Ontario into that country requires something like six weeks or two months, and that is a condition of things that the provincial government has to face at the present moment. I am sure that if we rejoice in the population that is pouring into that country, we must take care that they do not become discouraged and turn away from Canada to find another sphere for their activity and their labour. These facts should be sufficient to open the eyes of members of the government who are present in this House, and they should seek if possible to do something to relieve the people in that province, and what is true in Saskatchewan may also

be stated in regard to Alberta and Manitoba.

Hon. Mr. SULLIVAN—Would you ship the grain the same year as it is grown, from Hudson bay? Could you do it?

Hon. Mr. DOUGLAS—I do not know.

Hon. Mr. SULLIVAN moved the adjournment of the debate.

Hon. Mr. FERGUSON—It will be first Order of the Day to-morrow, after third readings.

Hon. Mr. SCOTT—And after unopposed orders.

Hon. Mr. FERGUSON—Yes.

The motion was agreed to.

## RAILWAY ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. PERLEY moved the second reading of Bill (3) An Act in amendment of the Railway Act, 1903.

Hon. Mr. SCOTT—One of these Bills is opposed; I do not know whether it is Bill (No. 3) or Bill (No. 4.)

Hon. Mr. FERGUSON—These are public Bills and were accepted by the government in the other branch of parliament unreservedly.

Hon. Mr. PERLEY—I think these Bills should be allowed to go to the Railway Committee.

Hon. Mr. SCOTT—No, Committee of the Whole House.

Hon. Mr. LOUGHEED—These are measures, particularly one of them, which should be fully discussed by the House before going into committee. I understand an amendment will be moved to one of these measures.

Items 10 and 11 were allowed to stand until to-morrow.

## EXTENSION OF INTERCOLONIAL RAILWAY BILL.

### THIRD READING.

Hon. Mr. SCOTT moved concurrence in the

Amendments made in Committee of the Whole on Bill (50) An Act to amend the Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal.

He said: It was thought there was an error in the first clause of this Bill in referring to the fifth paragraph instead of the third. I fell into the trap myself. My hon. friends opposite referred to the fifth paragraph of the agreement, whereas it is the fifth paragraph on the page of the statute, so that the Bill was correct as it was first drawn. When I drew the attention of the Minister of Justice to it, he said: 'It was the fifth paragraph of that fourth page.' Of course, when we were considering it the other day we did not look back.

Hon. Mr. FERGUSON—But all the paragraphs are numbered.

Hon. Mr. SCOTT—It is the paragraph on the fourth page, not the paragraph of the agreement.

Hon. Mr. FERGUSON—It is introducing a different scale of paragraphs from what is found in the agreement. I heard of hon. gentlemen searching for the paragraph for hours and not being able to find it. It is a very unsatisfactory way to refer to it.

Hon. Mr. SCOTT—I move that the House do not concur in the amendments made in committee. We inserted the third paragraph instead of the fifth in two places. The Bill was right as it stood at first.

The motion was agreed to.

The Bill was then read a third time, and passed.

The Senate adjourned until Three p.m. to-morrow.

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# SENATE.

OTTAWA, Thursday, March 14, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## SENATORIAL APPOINTMENTS.

Hon. Mr. SCOTT—I desire to make an observation or two on the question of privilege raised by the hon. gentleman from Stadacona yesterday. I find the same question was asked across the floor of the House

of Commons by the Hon. Mr. Lavergne, and the article from 'La Patrie' was read. Then Mr. Lavergne said :

Now, I would like to ask the Minister of Marine and Fisheries what he has to say with regard to this statement of Mr. Girard ?

Mr. BRODEUR. I have to say at the outset I do not believe Mr. Girard has given the interview which has just been read by my hon. friend, because this interview, as reported, is absolutely incorrect from beginning to end. I desire to state before this House that the allegation in this reported interview that Mr. Dessaulles was appointed on the condition that he should resign the senatorship in my favour is absolutely untrue. No offer of that kind was ever made by me ; no arrangement of that kind was entered into with him with regard to the Senate, nor was any mention made of it at all.

Perhaps my hon. friend from Rougemont (Hon. Mr. Dessaulles) might make some observation about it.

Hon. Mr. DESSAULLES—I beg to confirm the statement of the hon. Minister of Marine and Fisheries, which has just been read. As far as I am concerned, there is not a word of truth in the statement alleged to have been made by Mr. Girard. I have not accepted the call to the Senate as a result of a bargain, nor has the Hon. Mr. Brodeur or any one else my resignation in his pocket, nor did I ever sign any such resignation. Hon. gentlemen may rest assured that I entered this House honourably and even without my soliciting the position.

Hon. Mr. LANDRY—I think I am entitled to say a few words. There is no doubt that I am bound to accept the declarations of the hon. Minister of Marine and Fisheries and the hon. gentleman from Rougemont. The allegation was never made by me. I brought it before the House in order to have the answer of the parties interested, and the statements which have been made, I think, should settle the matter. The Minister of Marine and Fisheries says that it is quite untrue from beginning to end. He says :

I have to say at the outset I do not believe Mr. Girard has given the interview which has been read by my hon. friend, because this interview as reported is absolutely incorrect from beginning to end.

That is a flat denial. He denies that the interview ever took place. If the hon. minister had read a few lines more he would have seen what the Right Hon. Sir Wilfrid Laurier said.

Mr. Geo. Taylor asked the following question :

I would like to inquire of the hon. member for Montmagny if this is the same article that he read in French which I do not understand, and I would like to ask the right hon. leader of the government if he received this petition referred to here in the article I have just read, and if the reply that the Minister of Marine and Fisheries gave to the hon. member for Montmagny will be the same reply that he will give to the article I have just read.

That is after having read the translation of the article which I read to the House yesterday from the 'Canada Gazette,' and the Right Hon. Sir Wilfrid Laurier replied :

Sir WILFRID LAURIER. The Minister of Marine and Fisheries has already answered. So far as I am concerned I received such a petition.

So it is not quite untrue from beginning to end. However I accept the declaration of my hon. friend ; and the statement made by the hon. Minister of Marine and Fisheries, so far as it is not contradicted by the statement of the hon. Premier of this country.

## PRUDENTIAL LIFE INSURANCE COMPANY'S BILL.

### PETITION PRESENTED.

Hon. Mr. MITCHELL moved the suspension of rules 26, 30 and 110 for the purpose of presenting a petition on behalf of the Prudential Life Insurance Company of Canada.

Hon. Mr. LOUGHEED—Before the House consents to a suspension of the rules, the hon. gentleman should let us know what the petition refers to. If it relates to any controversial measure, the House should be placed in possession of the facts.

Hon. Mr. MITCHELL—It is a Bill to incorporate a new Life Insurance Company.

Hon. Mr. THIBAUDEAU (de la Vallière)—It is a company already doing business in the province of Quebec, which wishes federal incorporation and an increase of its capital.

Hon. Mr. LOUGHEED—That scarcely answers the question which I submitted to my hon. friend, namely, whether any controversy is involved in the measure he is about to submit to the House. There might be a difference between the shareholders which would involve making an inquiry.

Hon. Mr. THIBAUDEAU—No, there is nothing of the kind.

Hon. Mr. YOUNG—As I understand it, it is a petition praying for the incorporation of an insurance company. The time for presenting petitions has expired, and the object is to originate the Bill in the Senate. Fearing that time might be a very important point at this stage of the session, the petitioners ask that the rules be suspended so as to be permitted to present a petition, thus avoiding the delay involved in the regular form. I do not think there is anything about the Bill of a controversial nature. It is for the House to say whether it will allow the petitioners to take a short cut by avoiding the preliminary of presenting a petition for leave to present a petition.

Hon. Mr. LANDRY—I have no objection to the suspension of the rules, if a reason is given. Why was it not presented in time ?

Hon. Mr. YOUNG—As I understand it, the financial arrangements which necessitated the Bill have only recently been made.

Hon. Mr. LANDRY—I suppose the petition will go to the Committee on Standing Orders.

Hon. Mr. YOUNG—Yes.

The motion was agreed to.

The petition was presented, read and received.

## BILL INTRODUCED.

Bill (AAA) An Act to amend the General Inspection Act.—Hon. Sir Richard Cartwright.

## THE LIST OF PATENTS.

Hon. Mr. DOMVILLE—I give notice that I will move to-morrow that a list of Canadian patents be printed. If you want to get a copy of a patent it will cost you about $5, whereas in the United States you can for ten cents get a copy of any patent.

## INSURANCE COMMISSION EXHIBITS.

### MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency may cause to be laid on the Table of the Senate the papers referred to as exhibits Nos. 682, 686, 688, 737, 738, 740 and 741, in Sessional Paper No. 123*b*, being a supplementary return laid on the Table of this House during the present session of parliament.

The motion was agreed to.

## CIVIL SERVICE INSURANCE ACT.

### MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency may cause to be laid on the Table of the Senate a return of :—

1. Copies of all regulations made by the Governor in Council under Section 14, Chapter 13, of the Act intituled : ' The Civil Service Insurance Act.'
2. The number of policies issued under the said Act, giving the dates of issue.
3. The names of the policy-holders.
4. The premiums paid annually or otherwise on each policy.
5. The total amount of the excess of the deduction from the salaries of said policy-holders on account of superannuation, and the deduction which would have been made had they not effected insurance under the said Act.
6. The total amount paid as death claims and the date of each payment.
7. The difference between the premiums paid, with the deduction made in excess, as stated in paragraph 5, as compared with losses through death claims with interest added at the rate of 3 per cent on the amount lost by the government under the operations of this Act up to the 1st of March instant.

Hon. Mr. SCOTT—I presume there will be no objection to the address going. I do not know whether any objection will be taken to giving the names of the policy-holders. I know that some companies decline to give the names of their policy-holders, but in this case I do not think this objection should prevail.

Hon. Mr. FERGUSON—I do not think there can be any objection, because the policy-holders are public officials, and it comes under the Civil Service Act.

The motion was agreed to.

## HURON AND ONTARIO RAILWAY COMPANY BILL.

### THIRD READING.

The Order of the Day being called :

Resuming the adjourned debate on the motion for the third reading Bill (55) An Act respecting the Huron and Ontario Railway Company, and the motion in amendment of the Honourable Mr. Landry.—(Hon. Mr. Kerr).

Hon. Mr. SCOTT—It was understood that this debate was to stand until the unopposed motions were disposed of. Perhaps the House will allow me to make a statement in connection with this Bill. The hon. gentleman will remember that I took very strong grounds against this measure. My view on its constitutionality has not been changed. I was not present at the second

meeting of the committee, but I find now a number of gentlemen who concurred in the view I expressed at the first meeting, have, on good grounds, from their standpoint, changed their opinion. The main ground is that the company had already undertaken some financial obligation; that money has been raised, and that work, though not contracted for, was, at all events, being given out. Under those circumstances, I do not feel disposed to offer any further opposition to the Bill. Another opportunity, I have no doubt, will arise when the whole question can be discussed without any of the complications that exist in regard to this, because I notice that several hon. gentlemen who held very strong views before have been obliged to admit, from evidence submitted to them, that the Bill ought to go through, and have announced to me that they must support it. Under those circumstances, I do not propose to offer any opposition to it.

The SPEAKER—I think the understanding as to the unopposed Bills had reference to the resolution of the hon. gentleman from Prince Edward Island and not to this Bill.

Hon. Mr. SCOTT—Perhaps so.

Hon. Mr. KERR—In view of what has fallen from the hon. Secretary of State, I do not suppose there will be any necessity to prolong the discussion, and I have no wish to impress my views upon the Senate, because the hon. leader of the House having withdrawn his opposition to the Bill there is no occasion to discuss it further. The motion has been made for the third reading, and the question now is on the amendment of the hon. gentleman opposite. I suppose he will withdraw that amendment.

Hon. Mr. LANDRY—As I am asked to withdraw my amendment I shall say a few words. I must congratulate the hon. leader of this House on not being so great a sinner as we had imagined him to be during this time of lent; I suppose mild pressure has been brought to bear upon him by my hon. friend who sits on his left and the hon. gentleman who sits on his right. His eyes are opened and, like Paul on the road to Damascus, he sees now the error of his ways. However, in view of the fact that I am losing the support of my friends on this question, I do not think it would be very good tact on my part to prolong the battle, and as I have not sufficient support I feel inclined to have my amendment declared lost on a division.

The amendment was lost on a division.

The Bill was then read a third time, on a division, and passed.

## THIRD READINGS.

Bill (QQ) An Act for the relief of Celina Kingan Ansley.—(Hon. Mr. Jones.)

Bill (H) An Act respecting the Quebec, Montreal and Southern Railway Company. —(Hon. Mr. Béique.)

Bill (Y) An Act respecting the Midway and Vernon Railway Company.—(Hon. Mr. Bostock.)

Bill (DD) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Talbot.)

Bill (79) An Act respecting the Great West Railway Company.—(Hon. Mr. De Veber.)

Bill (78) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young.)

Bill (HH) An Act respecting the Lake Superior Power Company.—(Hon. Mr. Ross, Middlesex.)

Bill (54) An Act to incorporate the Edmonton, Dunvegan and British Columbia Railway Company.—(Hon. Mr. Bostock.)

Bill (15) An Act respecting the Joliette and Brandon Railway Company.—(Hon. Mr. Thibaudeau, de la Vallière.)

Bill (42) An Act to incorporate the Eastern Townships Railway Company.—(Hon. Mr. Mitchell.)

Bill (R) An Act to incorporate the Bonaventure and Gaspé Telephone Company, Limited.—(Hon. Mr. Power.)

Bill (12) An Act to incorporate the Malone and Hopkins Point Railway Company.—(Hon. Mr. Cloran.)

Bill (50) An Act to amend an Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the City of Montreal.—(Hon. Mr. Scott.)

## SECOND READINGS.

Bill (94) An Act to incorporate the Nipissing Central Railway Company.—(Hon. Mr. MacKeen.)

Bill (89) An Act respecting the Crawford Bay and St. Mary's Railway Company.—(Hon. Mr. De Veber.)

Bill (92) An Act respecting the Grand Valley Railway Company.—(Hon. Mr. Coffey.)

## GREEN, HUNT AND McMURRICH PATENT BILL.

### SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (XX) An Act respecting a certain patent of Philp J. Green, Melvin Hunt and John D. McMurrich.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. KERR—I move a suspension of the rules to enable this Bill to go to the next meeting of the Private Bills Committee.

Mr. LOUGHEED—Might I ask the hon. gentleman if there are any conflicting interests involved, so that parties who may be interested against the Bill can have proper notice to appear in committee? They will assume, otherwise, that the Bill will go through its regular stages.

Hon. Mr. KERR—I am told there are absolutely no adverse interests affected by the Bill.

Hon. Mr. LANDRY—We should not be asked to suspend rules with regard to a contentious matter. I know that the hon. gentleman asked for a suspension of the rule in regard to the Toronto Yonge Street Bridge Bill, which was a contested matter, and the parties had not been notified. We should not suspend the rules unless we are clear that we are doing no injustice to anybody; but if the hon. gentleman says there is no opposition to the Bill, I have nothing to say. What is the patent?

Hon. Mr. KERR—It is a process of roasting a very high grade of ore by sulphur.

## CIVIL SERVICE ACT AMENDMENT BILL.

### FIRST READING.

Hon. Mr. SCOTT introduced Bill (BBB) An Act to amend the Civil Service Act.

Hon. Mr. LOUGHEED—Does this Bill contain any important amendments to the Act?

Hon. Mr. SCOTT—No; one amendment is consequent upon the change of the fiscal year. Then, in regard to the post office, it is found that they have some difficulty in securing railway mail clerks who are up to the standard, and it is agreed that the class of examination will be changed, so that it will refer more to the duties they really have to perform than to the technical subjects of geography, mathematics, &c.

The Bill was read the first time.

## THE HUDSON BAY ROUTE.

The Order of the Day being called:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency may be pleased to lay on the Table of this House, copies of all reports and communications in possession of the government not already submitted to parliament, regarding the navigation of the Hudson bay and the resources and climate of the territory contiguous thereto, also copies of all grants of fishing, mining and lumbering rights, given at any time, by the government, in the said bay and territory; also copies of all reports of surveys received by the government from either engineers, surveyors or geologists, on the feasibility of railway routes, connecting any existing or prospective railway with any port on Hudson bay or James bay; also a statement of grants of land or money which have been proposed, or asked for, in aid of such railways. Also, copies of all reports received by the government in relation to the establishment of lights or other aids to navigation of Hudson bay and Hudson straits, and also a statement showing what action, if any, has been taken by the government regarding the establishment of such aids to navigation. —Hon. Mr. Sullivan.

Hon. Mr. SULLIVAN—The subject which this resolution leads up to is one of the most important that has come before the Senate this session. The hon. gentleman who introduced it deserves a great deal of credit. Every one who has spoken on this subject in this House has complimented him on his industry, and I agree with all the opinions expressed on that point, and will spare his blushes by not expressing the words I intended to use.

Hon. Mr. POWER—The hon. gentleman is not in the Chamber.

Hon. Mr. SULLIVAN—The hon. gentleman from Marshfield is in his seat.

Hon. Mr. POWER—I thought the hon. member was referring to the hon. senator from Prince Albert.

Hon. Mr. SULLIVAN—I can recall only the hon. gentleman from Marshfield, the hon. member from Pictou, who spoke of the project in a pessimistic tone. I heartily endorse the sentiments so far as they relate to the results that may follow an inspection of the proposed scheme. No one has answered his statements, and holding the reputation that his name implies, I do not hesitate to enlist under his banner. Every one has spoken of the time that would be saved, and the great advantages which would result from the opening up of this route, especially the hon. member from Prince Albert; but no one has spoken of the number of people who have been lost in those regions, ever since its discovery by Hendrick Hudson, who was so cruelly murdered by his crew on that coast. The ice fetters of the inhospitable shores of Hudson bay have caused the loss of many valuable lives and a great deal of treasure, so that some men have thought it would be better if explorations of these Arctic regions had never been undertaken. But, since they have, it will be necessary for us to examine this subject in a calm and deliberate manner. Statements have been made here which I claim cannot be proved; some of them are entirely out of the question. For instance, the hon. gentleman from Prince Albert to whom my hon. friend from Halifax expected me to make a complimentary reference, made some statements which could not be easily sustained. He stated that this route was necessary for the city in which he lives. How large the city is I do not know, but he says the Hudson bay is closer to his home than Winnipeg, and that it takes more time and money to reach Winnipeg than to reach Hudson bay. He said also that a road to connect existing railways with the shores of Hudson bay would be about 400 miles long, of which 200 could be built as a colonization road, and that there are ten million acres of land of the most fertile character, equal to the best land in the Northwest, along that route. The other two hundred miles he said should be undertaken by the government. The government has done a good deal, for those people in the Northwest, and I cannot say that they are very generous or even patriotic. I venture to say that this hon. gentleman has never taken up his gun, though he was there during the rebellion, I presume, to defend his country. I have never heard that he was in the front rank nor the rear rank, and I presume he was one of those who remained at home. He says there are seven million acres of land under cultivation in the Northwest, producing on an average thirty bushels to the acre. That would give 210,000,000 bushels. Now, supposing these 210,000,000 bushels sold for only twenty cents a bushel it would realize $42,000.

And if the people in the Northwest would perform one generous act to show that they were patriotic and loyal citizens, they would take five cents out of the sale of each bushel and build the railway themselves, even supposing it cost $25,000 or $30,000 a mile. I do not say that disparagingly; but I wish to say that the bold, audacious manner in which they demand these things, as if they had a right to them, fills me with mild indignation. I admire their pioneer work, and what they have done for the country; but when their graneries are bursting with grain, and when they have had successive good harvests which brought wealth to them, I should think they would devote a little of that wealth to advancing their own interests, because undoubtedly the people who would profit by the road are the people in Manitoba, Saskatchewan and Alberta. They demand everything from the east, and say they buy all their supplies from us. They buy supplies from the eastern provinces only when they cannot get them cheaper anywhere else. I do not think they have done anything to show their desire to help the east in any way. The east has done for the Northwest a very great deal. The eastern provinces have sacrificed themselves in every way. I do not think there would be any settled country at all in the west expect for the enterprise of the east. We colonized the country with settlers and gave them free farms. All they had to do was to go in and work. I am stating these facts to show that we are not under such obligations as the western people think. The

hon. gentleman said that the government was bound to open this route to Hudson bay. I will refer to the authorities cited by some hon. gentlemen. They contended that this port was open for four months of the year—at all events for three and one-half. Well, it may be, but I do not think there is any reliable data to speak from, and that is the whole trouble with the arguments with regard to Hudson bay—there are no means by which we can ascertain the truth. The experience of one year in a ship in those waters is not sufficient. Therefore, before anything can be done there must be thorough examination made of this port. I think the government would do that if the voice of this Senate could reach their ears and they would listen to it. The authorities mentioned by the hon. gentleman from Prince Albert—and I am sorry he is not in his place to-day, were Erastus Wiman, for example. There is a long quotation from him. What on earth could he know about the navigation of Hudson bay? I venture to say he could have no reliable information on the subject. Erastus Wiman was a telegraph operator in Canada, and subsequently became a partner with Mr. Dun, when the firm was Dun, Wiman & Co. I never heard that his opinion was worth a brass button on such questions as this. He makes an assertion that the bay and strait would be open for a definite length of time, and says that some ships that had been caught in the ice by the early closing of navigation, was due to two American captains who were intoxicated, and quarrelled. He says that was the cause of it. He brought forward another gentleman whom we should know, a gentleman called Arthur Dobbs. He calls him Sir Arthur Dodd, but his name I understand is Mr. Arthur Dobbs. I mention this name with particular interest, because a gentleman has mentioned the name of the ancestor of our Mr. Lemoine. I believe that Mr. Dobbs is an ancestor of a prominent and learned hon. gentleman in this House. I did not get his corroboration of this because it would be impertinent for me to ask it, but I mention it here, because I know he has relatives of that name in Ireland. Dobbs was an Irishman, and a man of great energy and enterprise. For a long time he held in favour of the admiralty of England and finally got up an opposition company, which unfortunately did not get a charter. He also urged anew the offering of the prize of £20,000 sterling to any person who would discover the northwest passage. He revived that project to a great extent, or at least put it on a firm basis, and was the means of stimulating a great deal of exploration. He charged the Hudson bay people with neglect of duty. I have mentioned that in my opinion he was related to a prominent member of this House, that he was of the same family. I shall read a short extract from what he said of Hudson bay in order that hon. members can see whether there is any similarity between his utterances, and that of the hon. gentleman who sits in this House. He attacked the Hudson Bay Company with such persistency, and he gained the ear of the admiralty, so that they were put to a great deal of expense in the matter. He said:

> It would lead us far beyond our limits were we to chronicle all the reasons urged, and the attempts made, to 'find out the short and easy passage by the northwest, which we hitherto so long desired.' Under the auspices of the 'Old Worthies' really—though ostensibly countenanced by kings, queens and nobles—up rose a race of men daring and enthusiastic, whose names would add honour to any country, and embalm its history.

And then he gave a list of the names. This shows how strong an opponent he was of the Hudson Bay Company and how partial his words would be. Then he says:

> Commencing with Cabot, and including Henry Hudson who, in 1610, was so cruelly murdered by his mutinous men.
>
> Thus, in the course of sixty years—now breaking the icy fetters of the north; now chained by them; now big with high hope 'of the Passage,' then beaten back by the terriffic obstacles, as it were, guarding it—notwithstanding, these men never faltered, never despaired of finally accomplishing it. Their names are worthy to be held in remembrance; for, with all their faults, all their strange fancies and prejudices, still they were a daring and glorious race, calm amid the most appalling dangers; what they did was done correctly, as far as their limited means went; each added something that gave us more extended views and a better acquaintance with the globe we inhabit—giving especially large contributions to geography, with a more fixed resolution to discover the 'Passage.' By them the whole of the eastern face of North America was made known, and its disjointed lands in the north, even to 77 degrees north. Their names will last while England is true to herself.

There are about a dozen names there, beginning with Cabot and those after him

who undertook to explore these regions. I want to show the House by these quotations, that one of the writers would not know anything about the subject, and the other would be a prejudiced witness. I say we must have more knowledge on this subject, and the territory must be thoroughly investigated, its climate, the possibilities, not only of the bay itself but of the strait before any undertaking such as is urged on the government should be seriously embarked upon. I interrupted the hon. gentleman when he spoke of a certain number of men and of a certain battle, which I thought was unworthy of him. If there are men in this world whom I honour, it is those French adventurers and those French traders who were in the country from the 17th century until the taking of Quebec by Wolfe. Possibly, in the history of the world there is no series of undertakings bold, daring and unequalled, accomplished so successfully, as those which they were engaged in. Lemoine de Iberville, and a host of others, and La Salle, Duluth, the great Laverandrie, Cadillac and others whose names are well known to history. They were men who would do honour to any country and to any cause. The hon. gentleman referred to Lemoine of Iberville. I took the trouble to go over to the library and get a history of the Hudson Bay Company, written by a professor in Manitoba named Bryce, not the gentleman who is ambassador in Washington, but Prof. Geo. Bryce. That gentleman stated exactly the facts concerning this man Lemoine as were stated here. Some descendant of the Gaelic race in this House should rise and hurl back the indignity that has been cast upon him. I did what I could to draw the hon. gentleman out, but he insinuated that these words that were uttered by the hon. gentleman from De Lanaudière were ridiculed by him and held up to the scorn of every one. I do not know whether they felt it so, but I felt it to be so, and in order to show you that the statement was incorrect, I will just read two or three words from Mr. Bryce's report describing the expedition of Iberville to Hudson bay. He says :

> In 1697 the Bay again fell into the English hands, and D'Iberville was put in command of a squadron sent out for him from France, and with this he sailed for Hudson bay. The expedition brought unending glory to France and the young commander. Though one of his warships was crushed in the ice in the Hudson straits and his remaining vessels could nowhere be seen when he reached the open waters of the bay, yet he bravely sailed to Port Nelson, purposing to invest it in his one ship, the 'Pelican.' Arriving at his station he observed that he was shut in on the rear by three English men-of-war. His condition was desperate; he had not his full complement of men, and some of those on board were sick. His vessel had but fifty guns ; the English vessels carried among them 124. The English vessels, the 'Hampshire,' the 'Dering' and the 'Hudson's Bay,' all opened fire upon him. During a hot engagement a well-aimed broadside from the 'Pelican' sank the 'Hampshire,' with all her sails flying, and everybody on board was lost ; the 'Hudson's Bay' surrendered unconditionally, and the 'Dering' succeeded in making her escape. After this naval duel D'Iberville's missing vessels appeared, and the commander, landing a sufficient number of men, invested and took Port Nelson. The whole of the Hudson bay territory thus came into the possession of the French. The matter has always, however, been looked at in the light of the brilliant achievement of this scion of the Le Moynes.

I mention this to show how base it was for the hon. gentleman to ridicule it, and I think taking action in this way will have a tendency to make hon. members more cautious in their statements, whether they are quoting somebody else's words, or whether they are making statements on their own responsibility. If senators were allowed to make false statements, it would be the greatest blow this Chamber could receive. This is only a preface to what I intended to bring before the House in this debate ; pertinent to it is the question of transportation. It is for transportation only that hon. gentlemen intend to urge the opening up of this port. I live in one of the oldest cities in Canada, and one of the most beautiful, and that city was in the past the entrepot for the trade which came from Quebec, Montreal and the west, previous to the construction and enlargement of the St. Lawrence canals. It did a very large trade, but when the railways were built, and the St. Lawrence canals were constructed, the glory of Kingston, to a great extent, departed. It has at any rate an unrivalled position at the head of the River St. Lawrence and the foot of the lake ; one would think it is an ideal place, although it has graving docks, elevators and other essentials of a large commercial city, it has not that trade that it

should have; therefore any question of that trade is of great interest to it.

Now what is the use of opening up a route to Hudson bay until we improve other ways we have of getting to the ocean? There is only one other way that has been suggested, that by Georgian bay. That would be a very expensive undertaking, so it would be far preferable for the government to deepen the Welland canal. The trade on the lakes is done by very large vessels, each carrying 320,000 to 360,000 bushels of grain. Those vessels go to Buffalo, and the grain is transhipped to canal boats or carried by rail to New York. That is an easy way of transporting grain, and there is a minimum of transhipment. I have taken the trouble to get the opinion of a competent authority as to the effect of deepening the Welland canal to admit of those large vessels on the upper lakes passing through to Lake Ontario there. Port Colborne would be of little use; they would pass directly through the enlarged canal and carry their cargoes to Kingston, where the grain would be transhipped to barges and taken to Montreal. It costs now to carry grain from Fort William to Montreal six and one-half cents per bushel, and it is claimed that by the deepening of the Welland canal this cost could be reduced by three and one-half cents. The rate from Fort William to Buffalo is one cent and one-half per bushel, and it would not be too much to expect that it would be carried from Fort William to Kingston for two cents. The barges are of small carrying capacity that freight grain from Kingston to Montreal—twenty-five or thirty thousand bushels to a cargo. Now it is proposed to change that. Without enlarging the canals at all they can build barges with a carrying capacity of 65,000 bushels, and this, it is claimed, will enable shippers to deliver western grain in Montreal at the low rate of six and one-half cents. This is only urged for the reason that it is desirable to have the matter examined, and it should be examined before the ice-bonds of Hudson bay are taken off as they propose to do. There is another idea that has occupied the attention of scientific men to a great extent, and which should make us call a halt. An engineer, who is a very capable man has pointed out to me that in the contest between railroad and waterway the railway will win. You see now leviathan engines come into a station while you are waiting for a train. These engines are the result of a Kingston's man's genius. I thought they came from Europe, but they are essentially American. J. J. Hill, the St. Paul railway man, wrote to the American railway works at Dunkirk to send him the best engineer they had, that he wanted to consult with him on an important matter. They sent him a man, who is now in Kingston, working in the establishment which owes its re-creation and extension to Mr. Harty, M.P. for that city. Not only has he made it as good as the locomotive works we had, but he has largely increased it, to the great benefit of himself, the city and the country. This engineer, Mr. H. Tandy, who gave the idea to Mr. Hill, is working in the Kingston locomotive works for Mr. Harty, and his father was the engineer of that establishment before him.

The result of an interview of several hours between Mr. Hill and this engineer was the designing and construction of this gigantic engine, which looks a fortress coming in. Given an engine like that and a road-bed with proper curves and grades, it can draw a load which is sufficient to overcome the competition of the water routes, whatever the tonnage of the lake vessels may be. I have here the statement of a most scientific practical engineer. He says that with a gradient of four-tenths of one per cent per mile, such a locomotive can haul 2,000 tons of pay load. The distance from Winnipeg to Quebec is, in round figures, 1,350 miles. Assume that the train has to run back empty, it makes a round trip of 2,700 miles. The average receipts of trains in the United States is $1.88 per mile, or $5,076 for a round trip of 2,700 miles. That is $2.54 per ton, or seven and six-tenths cents per bushel. He does not make any estimate for the return freight that he might get. The only object I had in bringing this argument before the House is to show the advantage of the route by Kingston. I contend that the Georgian bay route would be only available, if it can compete with the railway routes. It is stated that the railways in Illinois carry corn for five and seven-tenths cents per bushel. It is likely that other roads will attempt to make a

profit at the same rate. That is the great point to be settled. If a railway can haul grain from Winnipeg to Quebec, and bring back the empty cars for seven and six-tenths cents per bushel, it will certainly bring about a revolution in the transportation question, and, of course, there would be no further necessity for canals. The hon. gentleman from Prince Albert said a good deal about the expenditure on canals which are closed up during the winter, making a comparison between them and the loss that might occur from the closing of the Hudson bay route during the winter. I do not want to say anything to detract from the merits of this scheme. Those who have taken an interest in it have done a good work, even those who have opposed it, because the discussion helps to form public opinion. Some of the advocates of this northern route are very optimistic, basing their ideas on rosy descriptions, rather than on reliable data. Therefore, the proper thing to urge on the government is that they should get certain facts about the Hudson bay and district. Judging from the remarks of some hon. gentlemen who have spoken here, you would think you could run a summer hotel there to advantage. I have not exaggerated in anything I have stated here to-day. I hope the hon. gentlemen who have so earnestly worked up this matter will not look upon me as an opponent of theirs. What Canadian could object to testing the full merits of a proposition like this. Although former attempts to settle this question have failed, it may, under Canadian enterprise, become successful as so many other projects have. The opening up of Cobalt and other places has infused into Canadians a spirit of what might be called extravagance, or a desire to get rich quick. I hope the northwest will get cheaper transportation and that their seven million acres under cultivation will soon become seventy millions, and then we will all be happy.

Hon. Mr. POWER—The hon. gentleman gave some interesting statistics as to the cost of transporting produce by rail. I did not quite make out whether he was in favour of substituting rail carriage for canal carriage.

Hon. Mr. SULLIVAN—I have not formed any particular opinion on that, because I am not sufficiently versed in the matter; but if these statements given me by a prominent engineer are correct, I think transportation in the future will be by rail. His statements are made so positively, and he is so thorough in his profession, that I have confidence in his figures, which, if true, there will be a revolution in transportation throughout the country. The two points that are essential are large locomotives, capable of hauling very heavy trains, and favourable grades and curves.

Hon. Mr. POWER—The hon. gentleman lives in a city where he would have opportunity for observing the class of vessels engaged in transportation on the lakes and canals. I should like to know whether he has noticed any large number of vessels built to meet the enlargement of the canal?

Hon. Mr. SULLIVAN—Not at present; they would be no use. The carrying trade of Kingston has dwindled down to a few schooners that will go through the Welland canal, and the barges.

Hon. Mr. POWER—Are they the same kind of barges that were used in the old locks?

Hon. Mr. SULLIVAN—Yes.

Hon. Mr. FERGUSON—It is now about three and one-half months since I put this notice on the order paper, and in all reason it is about time the debate should be brought to a close. An hon. gentleman, in addressing the House on this question, said that I had brought on this matter in view of the dissolution of the Manitoba legislature. All I can say is that on the 28th of November, when I put the notice on the order paper, I had very little idea of an election coming on in Manitoba this year. I put my notice on the paper in the first instance on an impulse, having read the report of Mr. Low, director of the Geological Bureau, on the cruise of the Neptune, and I simply wished to call attention to that report; but before addressing the House I thought it but right to examine the question more than I had previously done. On doing so I found that the field was so wide, and involved such a vast amount of reading and consideration before I would be prepared to speak on it, that I had to postpone my notice from time to time. Our library I have found contains mountains of information regarding

Hudson bay. If hon. gentlemen would only peruse the books on the subject to be found in the library, they would not be short of information. I went into it in the way now mentioned and pursued the study, and I am quite surprised myself to find the evidence in favour of that route so overwhelming as it is in the documents that are accessible. In the first place, let me say that there has been no exploration of that route by a powerful ice-breaking steamer. The explorations were made by the 'Alert,' the 'Arctic,' the 'Neptune' and the 'Diana,' and they are all small vessels, not one of them fit to break ice. They are all strong vessels which can stand a nip of the ice, but they are not as fit to find their way through ice fields as even ordinary tramp steamers would be. I am quite well acquainted with the 'Neptune.' I have sailed on her many times. She was used for a season to break the ice in the straits between Prince Edward Island and the mainland. She is a steamer of 110 horse-power, with a speed at the utmost of eight miles an hour, and I think she has more speed than any other vessel sent on an exploration to the Hudson bay. All I can say is, that, as an ice-breaker, she was a failure. She would run into the ice and stick there like a wedge. The 'Minto' and 'Stanley' are not to be mentioned in the same day with her as ice-breakers. Therefore, the exploration of Hudson bay by means of ice-breakers has not been attempted, and it would be of no use to attempt it, because if specially designed steamers were necessary, merchant shipping could not use that route. It was quite proper to use such ships as the 'Diana,' the 'Alert' and the 'Neptune' for the purpose, they have been used very thoroughly and have succeeded, and therefore there is no need of more exploration. Some gentlemen who have spoken on this question and rushed in to put their views on record, apparently made no investigation of the subject. The hon. member for Halifax (Hon. Mr. Power) does not usually act in that way. We know that he generally gives great care and attention to anything he says in this House, and usually endeavours to be accurate. We have a right to bear that testimony to my hon. friend. But on this occasion the analysis he made of Mr. Low's book was very defective. The hon. gentleman found that during the different trips the 'Neptune' had made in 1903-4 from the Atlantic to Fullerton, in the northeastern part of Hudson bay, she was continually meeting ice. My hon. friend, in one place, made the remark that coming out on the 9th of September, the vessel encountered ice. If the hon. gentleman had read the report more carefully, he would have found that she was not then coming out but was going in.

Hon. Mr. POWER—The ice was there at any rate.

Hon. Mr. FERGUSON—The hon. gentleman thinks that because ice was seen there that that settles the question. I do not suppose you will pass a day without meeting ice in these northern waters. It is the same in the North Atlantic, so the presence of ice proves nothing as long as there is no pack. Now this is the record of the 'Neptune' in that year:

Memorandum of trips made by the steamer 'Neptune,' from the Atlantic to Fullerton or Roe's Welcome in 1903-4, the distance being about 875 miles.

Entered straits on the 9th of September, 1903; arrived at Fullerton on the 16th September, 1903.

Left Fullerton on the 18th of July, 1904; arrived at Fort Burwell on the 25th July, 1904.

Left Port Burwell on the 7th of September, 1904; arrived at Fullerton on the 15th September, 1904.

Left Fullerton on the 25th September, 1904; arrived at Port Burwell on 1st October, 1904.

Made many detours to examine ice conditions and for correction of charts. Landed parties to hunt bears. Used launch to capture walrus for dog food, and also to examine coasts. Made calls at whaling stations, &c.

She made four trips covering 3,500 miles, in twenty-nine days, and she is only a boat capable of making eight miles an hour. That would show that there could have been no detention whatever caused by ice.

Hon. Mr. SULLIVAN—What time did it take her to go through the straits?

Hon. Mr. FERGUSON—Her voyages includes the straits and 375 miles further west and northwest, going into waters that are never to be used for commercial navigation, passing Southampton Island and going up Roe's Welcome, which is altogether out of the track of navigation, and far north of Churchill.

Hon. Mr. POWER—If there was no ice at all, it was a very improper thing for Mr. Low to state that ice was encountered.

Hon. Mr. FERGUSON—I did not say that Mr. Low stated there was no ice, and my hon. friend cannot fail to know my meaning when I say that ice is always found in these northern waters; but the fact that ice was seen there does not justify any one in saying that it was an obstruction to navigation. The time occupied in sailing 3,500 miles by the 'Neptune' demonstrates that the vessel was not delayed by ice. Here is an extract which my hon. friend might have read if he wanted to get at the facts. It is a summary by Mr. Low at the conclusion of his third trip.

The following summary of the condition and extent of the ice met with in the passage from Fullerton to Port Burwell may prove of interest and value. The northwestern part of Hudson bay was quite free of ice, and none to obstruct navigation was found in Fisher and Evans straits. Larger quantities of ice were encountered between the mouth of Evans strait and Digges at the western end of Hudson strait, but without serious trouble safe passages were found through it, and there is no doubt that an ordinary unprotected iron steamship would have passed through it at that time without trouble or danger. This ice, evidently the product of the past winter, consisted, chiefly, as has been mentioned, of large flat sheets that had only a short time previously broken from their original position, for there were no signs that it had been subjected to pressure or to the action of a swell. The edges of these large cakes had not been crushed, and many soft thin spots were seen which would disappear with the slightest pressure or swell. Along with the predominating flat ice was a considerable amount of rafted ice of the same character, and also of portions apparently subjected to pressure during the past winter. All the ice was comparatively light and thin, which led to the belief that it had come out of Fisher strait, and from the southward up the channel between Mansfield and the eastern mainland, the meeting of these streams producing the blockade at the western end of Hudson strait. Owing to its thinness and rotten character, the greater part of this ice would melt away a few days after we passed it.

The ice in the western part of Hudson strait was somewhat heavier than that described above. Much of it was rafted ice in small cakes, and there was a small number of ancient, heavy discoloured pans that had evidently come from the Fox channel.

This ice completely filled the side of the straits, and probably extended to Nottingham island, but there was open water on the north side of the strait through which the whaler 'Active' had already passed on her way into Hudson bay. The important point to be noted is that during all the times that the 'Neptune' was beset by the ice during the passage east along the south side of the strait, there was never any sign of the surrounding ice rafting by the pressure occasioned at the change of tides, and never was the pressure about the ship sufficient to cause damage to an unprotected iron ship.

At the end of his fourth trip, Mr. Low says:

The homeward voyage from Fullerton to Port Burwell was made in fine weather, and the only incident requiring mention was that the ice from Fox channel had advanced southward and westward nearly twenty miles since we last saw it. This necessitated our keeping close to Mansfield island. Our pilot was safely returned to his home in Wakeham bay, and Port Burwell was reached on October 1st.

This contrasts somewhat with the statement made by the hon. senator from New Glasgow, when he told of the Newfoundland captain who was up there last year, and had to get away by October 1, leaving half of his cargo behind him. I have read what Mr. Low said, that they came through on October 1 in fine weather and had no difficulty on the same date as that when the Newfoundland captain was obliged to sail in a hurry, leaving half his cargo behind him. The 'Diana,' which was used in the Wakeham expedition in 1897, is a smaller vessel than the 'Neptune,' but better adapted for exploration. She entered Hudson's straits on June 22 which was too early in the season. We all know it is not early closing in the autumn that is the trouble there, but the late ice in the spring. She entered on June 22 and was delayed for seventeen days off Big Island on account of ice, and this is the only ice reported as causing any detention. The following is the record:

TRIPS OF THE 'DIANA' IN 1897.

Left Burwell 22nd of June, returned 21st of July; was delayed for 17 days off Big Island owing to ice blockade. Lost two days trying to go north to Fox Channel to land Dr. Bell. Lost three days at King George's Island, landing Mr. Low with his launch party and supplies. Lost three days at Ashe Inlet landing Dr. Bell with his launch party and supplies.

Total time occupied in trip 29 days, of which 17 were days of detention by ice, and eight days landing Dr. Bell and Mr. Low.

Apart from these delays the distance covered about 1,200 miles, and was made in five days.

SECOND ROUND TRIP.

Left Burwell 21st July, returned 27th, six days.

TRIP TO BAFFINS BAY.

Made a trip to Baffins bay, leaving 27th July, returning 21st August.

THIRD ROUND TRIP.

Left Burwell 21st August, returned on 20th September, reports little ice, some snow and

fog. Occupied the time in trawling for fish. Called at St. George's Island for Mr. Low and at Ashe Inlet for Dr. Bell.

TRIP TO ST. JOHN'S, NEWFOUNDLAND.

Left on the 20th of September for St. John's, Newfoundland, returning to Fort Burwell on 16th of October.

FOURTH ROUND TRIP.

Left Burwell on the 16th October, went through the straits, and returned on the 30th. Passed five days in Douglas harbour.

This is what Capt. Wakeham says of this trip on 30th October :—

"Weather fine and clear in the harbour. As soon as we got outside of the mouth of the harbour we ran into snow. We can hardly call it a snow storm but there is constantly a light dry snow falling, thick enough to obscure the view and prevent us from seeing any distance. We have a fresh breeze from the northwest. Rounded the northwest end of Joy's Island at 10.15 a.m. and stood up the strait to the north-westward with the intention of going back into Hudson bay. It is neither ice nor cold that is bothering us, but constant strong winds from various directions, never long in one quarter, and the snow. We have the greatest difficulty in picking up our points, and with the strong tides, uncertain currents, no soundings, a knowledge that the hydrography of the coast is entirely out, we believe we are running greater risks than are warrantable."

All these four round trips were made through the straits, a trip to Baffin's bay and a visit to Newfoundland in the middle of the summer, during the season of 1897, showing that there was absolutely, as Capt. Wakeham said, no detention from ice excepting 17 days, when she went in the first time, on account of having entered the straits earlier than she should have entered.

Hon. Mr. SULLIVAN—Did she remain in the bay until the end of October until that time?

Hon. Mr. FERGUSON—Yes, she remained in the straits until the 30th. All her expeditions were in the straits, except the excursions in Davis straits and the visit to St. John, Newfoundland. There is less danger of being bothered with ice in Hudson bay than in Hudson strait. Now, I have here a memorandum prepared by Capt. McElhinny, of the Marine and Fisheries Department, from the logs of eighteen ships that went through the Hudson straits to Fort Churchill or York factory between the years 1870 and 1883. The average time occupied by these sailing vessels in passing through the straits during a period of thirteen years was eleven days and four hours. The table is as follows:

A Synopsis of the Dates on which the Hudson Bay Company's ships entered and passed through the Hudson Strait on the outward voyage during the Years from 1870 to 1883, inclusive.

| No. of Log. | Name of Ship. | Year. | Entered. | Passed Through. | Condition of the Ice. |
|---|---|---|---|---|---|
| 1 | Prince Rupert | 1870 | July 30 | August 16 | Some heavy ice. |
| 2 | " | 1871 | " 19 | July 29 | No detention. |
| 3 | " | 1872 | " 29 | August 8 | " |
| 4 | " | 1873 | " 29 | " 7 | " |
| 5 | Ocean Nymph | 1874 | August 2 | " 10 | Heavy ice two days. |
| 6 | " | 1875 | " 6 | " 28 | Heavy ice. |
| 7 | Lady Head | 1875 | " 7 | " 26 | " |
| 8 | Ocean Nymph | 1876 | " 19 | " 23 | No ice. |
| 9 | Prince of Wales | 1876 | " 6 | " 17 | No detention. |
| 10 | Ocean Nymph | 1877 | " 10 | " 15 | " |
| 11 | Prince of Wales | 1877 | " 4 | " 13 | " |
| 12 | Ocean Nymph | 1878 | July 31 | " 14 | " |
| 13 | Prince of Wales | 1878 | " 27 | " 5 | No ice. |
| 14 | Ocean Nymph | 1879 | " 25 | " 5 | " |
| 15 | Prince of Wales | 1879 | " 22 | July 28 | " |
| 16 | " | 1881 | " 28 | August 3 | Not detained. |
| 17 | " | 1882 | " 26 | " 6 | Heavy ice. |
| 18 | " | 1883 | " 22 | " 23 | Full of heavy ice. |

The outward passages in 10 of these years were made without any detention from ice, excepting from cautionary measures during foggy weather.

There was no detention from ice on the homeward voyages.

As only one voyage in each year was aimed at very early or late navigation was not tested.

Now, my hon. friend from New Glasgow made some statements about snow and fog. I have taken the pains to compile some tables from the meteorological observations made by Mr. Stupart, head of the Meteorological Department at Toronto, during many years. Some of the observations were made on board the ships that went through the straits and some at points on the coast and Hudson straits, and there is a comparison made between the straits of Belle Isle and Hudson straits in these respects. The table is as follows:

Fog table.

Giving the mean duration in hours of fog at stations in Hudson bay, Hudson straits and Straits of Belle Isle for months of July, August, September and October.

| Greenly Island inside Straits of Belle Isle. | Forteau inside Straits of Belle Isle. | Cape Bauld inside Straits of Belle Isle. | Cape Norman inside Straits of Belle Isle. | Entrance of Straits of Belle Isle on the Atlantic. | Churchill in Hudson Bay. | Stuparts Bay in Hudson Straits. | Cape Chudleigh entrance. |
|---|---|---|---|---|---|---|---|
| 501 | 781 | 624 | 541 | 622 | 40 | 263 | 212 |
| for 1892, 93 and 94. | for 1892, 93 and 94. | for 1892, 93 and 94. | for 1892, 93 and 94. | for years from 1872 to 1883 and 1886. | for 1884 and 1885. | for 1884, 1885 and 1886. | for 1884-1885 and 1886. |

In the cruise of the 'Diana' from the 22nd of June to the 30th of October of 1897, during which she completed four round trips through Hudson straits, fog was encountered in only 29 days out of 147.

The average number of days of fog at Belle Isle during the years 1872 to 1883, for a period of 147 days, was 58.

The number of days of fog at Churchill during the months of September and October, 1885, and from the 1st of July to the 14th of August, 1886, was 9.

In the matter of fog, any hon. gentleman who will look at Maury's physical geography of the sea will find the whole matter explained. There is more fog at Belle Isle and Newfoundland than there is at Hudson bay and straits. The cold waters of the Arctic, coming down to Belle Isle and mingling with the warm waters of the gulf stream are the causes of the dense fogs in the vicinity of Newfoundland. Not only are the fogs less common further north, but, when they do occur, they are not of the same character. It is rather the action of the frost on the water causing a vapour to rise, and the mariners can often see over it from the mast head. With reference to snow, the hon. gentleman from New Glasgow said that snow was very much worse than fog, I am not going to dispute that. What is the record of these different places with reference to snow? I refer to the article on meteorology in the Encyclopedia Britannica where it is stated:

In Greenland, the number of days of snow is eighty, and this figure is nearly reached in Newfoudland and the northeast border of Nova Scotia for the whole year. At Quebec, the means days are sixty-six, Halifax sixty and Winnipeg fifty-four.

I take these figures from the Encyclopedia Britannica, and I presume they are reasonably correct. Then we have observations with regard to snow, supplied by the meteorological observations from which I have compiled the following table:

Giving the mean duration in hours of snow, at stations in Hudson bay, Hudson straits and Straits of Belle Isle, for months of July, August, September and October, 1884-5 and 1886, and during four round trips of 'Diana' through Hudson straits, in 1897, also round trip of the 'Alert' in 1886.

| At Straits of Belle Isle. | At Cape Chudley Atlantic entrance to Hudson Straits. | At Stuparts Bay, midway through Hudson Straits. | During cruise of Diana 1897 in Hudson Straits. | During round trip of the Alert in Hudson Straits in 1886. |
|---|---|---|---|---|
| 107 hours. | 125 hours. | 161 hours. | 86 hours. | 38 hours. |

So that in the matter of fog and snow, the advantage is in favour of Hudson bay over the straits of Belle Isle, and I might say over the St. Lawrence. But the hon. gentleman from New Glasgow pointed out that in the trips of the 'Adventure' they had trouble with their compass, and the captain said there had been a deviation of nineteen degrees. We know that compass deviations are not peculiar to Hudson straits. I have gone over all the records that are available, and I have only one or two allusions to compass deviations in Hudson straits and none in Hudson bay. The trouble with the compass was mostly experienced off Cape Digges. Both Wakeham and Gordon referred to it. The compass had to be compensated and adjusted. I refer to the following note by Wakeham :

> The ordinary spirit and pole compasses of the 'Diana' were utterly worthless from the moment we entered the strait, but the standard compass, one of Sir William Thompson's which I had taken from my own ship and fitted to the 'Diana,' gave us the greatest satisfaction. Once properly compensated it never varied, and we learned to trust it most implicitly.

So that anybody who complains on the matter of compass deviation, must have been supplied with improper compasses or did not know how to adjust them ; the compass deviations are not a serious obstacle. We all know something about the difficulty at Anticosti in the Gulf of St. Lawrence in this respect. Henry Fry, in his history of North Atlantic navigation, a book published in Quebec in 1896, speaking of the early navigation of the St. Lawrence, says :

> Then in those days the deviation of the compass was a great difficulty in all iron ships, and there was a strange local attraction in some parts of the St. Lawrence which was attributed to deposits of iron.

So that with regard to snow, fog and compass deviations, there is absolutely no case against Hudson bay in the matter of navigation. Just in passing, having now referred to the fog, snow and compass deviations in the Gulf of St. Lawrence, I might be permitted to say that I have a great deal of information which I am not going to trouble the House with, obtained through some articles written by Sir Sanford Fleming in 1896-97 in relation to the fast Atlantic service, in regard to icebergs and fog in the straits of Belle Isle. If I wished to condemn the straits of Belle Isle route, I could present a story of loss of life and shipping against that route much more serious and much stronger than anything that has been presented against the Hudson bay route, during the progress of the debate, or perhaps anything that could be produced from all the experience of navigators in going through Hudson bay and straits. My hon. friend who spoke last, referred to Hudson bay as being a place where so many mariners had found their graves. I will venture to say that in proportion to the number of vessels that have gone through there for the last 300 years, and they have been going there during that period—that there could be found no similar amount of navigation perhaps in any part of the world where there has been a smaller amount of wrecks, and less loss of life. I think I may make the statement in a general way that that is the record, and the record is caused by the fact that the straits are wide and deep, and there is an almost entire absence of shoals. The ice they expect to meet at certain seasons of the year, perhaps at every season of the year ; but there is so much sea room and so much possibility of avoiding it, that the loss of ships has been very light indeed. I want just to present one bit of evidence about the St. Lawrence route to the House, not to blacken that route, but to show how anybody who is looking up evidence against any one sheet of water can produce evidence that would blacken that particular route for the purposes of navigation. I will quote from a book which I have referred

to already, the history of the North Atlantic Steam Navigation, by Henry Fry, of Quebec. He says :

The St. Lawrence, from Bic to Montreal, a distance of three hundred miles, contains a series of sunken reefs, shoals and flats, and to make matters worse, the tides do not run true, and the channel is often very narrow. They had to contend with snowstorms and ice in the spring and fall, and occasionally with fogs in summer. The river, too, was badly lighted, and most of the pilots were then incompetent to take charge of a large steamship, to which they were unaccustomed. The straits of Belle Isle were often blocked with ice, and the currents changed with the winds, while the soundings were not to be trusted.

My hon. friend from de Lanaudière dealt a good deal with the question of climate, and he is on record as using these words :

There is no place on earth in the same latitude colder than Hudson bay, with the exception perhaps of a few places in Siberia. The intense cold of Hudson bay so deflects the isothermal lines south that we feel its effect even here in the city of Ottawa. The fact that we are opposite the southern end of James bay deflects the isothermal line to such an extent that the same line which passes Gaspé and the Straits of Belle Isle strikes the most northern part of Norway, the land of the midnight sun. Hudson bay being such a cold region, there is a contour line around its shores for a distance of two hundred miles, following almost the shape of the bay, within which there is hardly any vegetation. There is nothing but rocks and muskegs, and a few trees scattered along the shores of the rivers.

Let me read to the House the meteorological observations as to the greatest heat and cold in winter in Hudson bay and straits. Captain Gorden gives the lowest and highest temperatures, from the 10th of August, 1884, to 27th of September, 1885, as below, at the places named :

At Cape Chidley, Atlantic entrance to Hudson straits, lowest, 33 ; highest, 63.
Stupart's bay, midway through Hudson straits, lowest, 35 ; highest, 65.
Churchill, in Hudson bay, lowest, 40 ; highest, 84.

It does seem absurd to say that Hudson bay, where the winter temperature is much higher than at Ottawa, should be held responsible for the cold winter here. It is something new to be told that the cold is responsible for the presence of rocks and muskegs. The hon. gentleman spoke about the isothermal lines. I again quote Dr. Bell as follows :

The temperature below the immediate surface of Lake Superior is 39 degrees Fahrenheit ; along the east shore of Hudson bay it averages 53 degrees in the summer months.

They are summer months in both cases. So that the temperature of the water of the east coast of Hudson bay is something like 14 degrees higher than the temperature of the water of Lake Superior in the summer months. Dr. Bell states that this is not quite correct with regard to the western coast of Hudson bay near Churchill, where the water is colder, but there is a marked difference in favour of Hudson bay, it being much warmer water than Lake Superior. The hon. gentleman from de Lanaudière sneered at my remark when I said that the country to the south of Hudson bay was in the same latitude as Devonshire, England. I was using the words of Dr. Bell when I said so, and it is absolutely correct. I go further, and say that the summer temperature of that country, taking the four or five months of vegetation is as warm as Devonshire. If he will consult the Enclyclopedia Britannica he will find the isothermal line for July which passes through the south of Hudson bay passes also through the south of England ; but I have more specific information. I have a table which I quote from Professor Hind's very valuable work on that subject. Professor Hind says :

The conditions required for the adaptation of a certain area to agricultural purposes, apart from altitude above the sea and the character of the soil, are generally reduced to two, namely, the mean temperature of about ninety days, as during the summer or growing months, and the degree of humidity during that period.

There are, however, two other conditions which exercise a very great influence upon vegetable growth throughout an area extending over many hundred miles to the north. These are the measure of the sun's intensity as regards light and heat, and the duration of the length of the day. As we move from Manitoba, say in latitude 50 degrees to Peace River in latitude 56 degrees (or York in 57 degrees), this important fact has to be noticed, that the length of the day in summer increases in a greater ratio than the sun's intensity of light and heat diminishes. It is not heat only which affects the growth of vegetation, it is also the duration of solar light in the day. The longer the day the greater the total amount of heat and light which will be received by vegetables.

Table showing the sun's relative intensity, and the length of the day in latitudes 40 degrees, north and 60 degrees north.

TABLE showing the sun's relative intensity, and the length of the day in latitudes 40° N. and 60° N.

| | Latitude 40° N. | | Latitude 60° N. | |
|---|---|---|---|---|
| | Sun's Intensity. | Length of day. | Sun's Intensity. | Length of day. |
| May 1 | 80 | 13·46 | 70 | 15·44 |
| " 16 | 85 | 14·16 | 79 | 16·56 |
| " 31 | 88 | 14·38 | 85 | 17·56 |
| June 1 | 90 | 14·50 | 88 | 18·28 |
| July 15 | 90 | 14·46 | 88 | 18·18 |
| " 16 | 87 | 14·34 | 84 | 17·42 |
| " 31 | 84 | 14·08 | 71 | 16·38 |
| August 15 | 79 | 13·36 | 68 | 15·24 |
| " 30 | 72 | 13·02 | 57 | 14·08 |
| September 14 | 65 | 12·22 | 46 | 12 46 |
| " 29 | 57 | 11·44 | 36 | 11·26 |

Multiply in every case, in the table, the sun's intensity by the length of the day and you will find that relatively heat and light are greater in the days of summer, in latitude 60 degrees north than in latitude 40 degrees north, in the relation that 1,244,398 bears to 1,201,890, or in other words the heat and light is greater at 60 degrees north than at 40 degrees north by three and a half per cent.

There are certain disturbing influences such as altitudes which have their effect, but other things being equal that would be the result.

Hon. Mr. POWER—Do I understand the hon. gentleman to be proving that the further north you go the better the climate is?

Hon. Mr. FERGUSON—My hon. friend cannot possibly understand me as proving anything of the kind. I am not giving any opinion of my own, but I am giving the authority of Professor Hind ; as a matter of fact taking the sun's intensity and the length of the day, that during the period of four or five months vegetation, there is more heat and light in latitude 60° than at latitude 40°. I will now quote from Mr. Stupart, from whom I received a communication yesterday through Mr. Tyrell, from which I make this extract :

A fact of peculiar interest in connection with the climate of our Northwest Territories is that the summer season in Athabaska and the basin of the Great Mackenzie river is nearly as warm as in Alberta. At Edmonton and Calgary the mean summer temperature is 59 degrees, Dunvegan is 58 degrees, Fort Chippewyan is 59 degrees, Fort Simpson 57 degrees. The explanation of this lies chiefly in the fact that the insolation, i.e., heat received from the sun, scarcely varies about midsummer between the parallels of latitude 40 degrees and 60 degrees ; the larger number of hours the sun is above the horizon in the higher latitudes very nearly balancing the effect of less direct solar radiation, and as after early May the snow has all disappeared, we find the isothermal lines running nearly parallel with the Rocky mountains.

Of course this does not apply as strongly to the vicinity of Hudson bay. The large body of water moderates the cold in winter and the heat in summer, and the heat and cold are not so intense at either seasons as in Mackenzie Basin. Now Mr. Stupart gives me a table in addition to that :

The temperature conditions of the district between Lake Winnipeg and Split lake in the several months, May-September, may be compared with Europe as follows :

May, 50-40 degrees, with north of Scotland and southern Norway.

June, 56 degrees-54 degrees, with Scotland.

July, 63 degrees, with south of England.

August, 63 degrees, with south of England.

August, 57·5 degrees to 55 degrees, with Scotland.

September, 50 degrees to 45 degrees, with northern Norway and Sweden.

That is just exactly the same statement I made in the House, on good authority, which was so freely criticised by hon. gentlemen who spoke after me. So that I think I may pass that point over as proved beyond any doubt whatever. Before closing I wish to make a few observations with regard to certain figures and arguments presented to the House by the hon. gentleman from de Lanaudière (Hon. Mr. Casgrain) with regard to transportation. The hon. gentleman made a calculation with reference to

cost of transporting wheat, and this calculation was quite pertinent to a discussion of the comparative value of the Hudson bay route and the Transcontinental Railway, but in doing that, three very serious fallacies are found in his premises, and when these are stated, it will be apparent that all the figures he bases them on are of no value whatever. The first fallacy is the cost per train mile in transportation;—how he arrives at it I cannot very well discover—so much for, oiling so much for train hands, and so much for one thing and another. The only way to ascertain the cost of train mileage is to take our railway systems and find the average. That is supplied by the reports of the different railway companies, worked out to the finest possible point, and I will show the hon. gentleman what these averages are. The hon. gentleman made the cost per train mile of a heavy load, 2,000 tons, from Winnipeg to Quebec, $1.35 per mile. I have gone over the report of the Department of Railways and I find that freight and passenger trains, large and small, are all enumerated there. The actual train mileage made by the great railway systems is as follows :

Average cost per mile of railways doing both freight and passenger business :

| | |
|---|---|
| Canadian Pacific | $1 23 |
| Canadian Northern | 1 07 |
| Intercolonial | 0 97 |
| Grand Trunk | 0 98 |
| Average | $1 12 |

The average cost per train mile on Canadian Southern, $1.60, it having a grade of less than four-tenths of one per cent.

How is it the average cost is greater in the Canadian Southern? Because having a lower grade it carries heavier trains, I suppose. That is one of the reasons, and it might carry them more cheaply in proportion to their size on that acount. Then take the

Average cost per train mile on almost purely freight railroads :

| | |
|---|---|
| Crow's Nest Southern | $2 62 |
| Cumberland Railway and Coal Company | 2 61 |
| Nelson and Fort Shepperd Railway | 2 15 |
| Philipburg Railway and Quarry Company | 2 02 |
| Average | $2 35 |

The average is $2.35 on the small railways which do only or mainly a freight business.

Hon. Mr. FERGUSON.

Running a heavy freight train is a different proposition from running a light passenger train, and this is the average of their freight trains. It may be that their grade is not as good as on the modern railways, and they have short hauls and allowances must be made for that; but dealing with a train carrying 2,000 bushels of wheat, we can say that $2 per train mile is the very lowest it can be carried for.

Another fallacy which underlies the hon. gentleman's calculation is that he made no allowance for carrying the empties back. We know very well that in any trade between any point in the Northwest and the city of Quebec or Churchill an ample allowance has to be made for carrying the empties back, and the average cost of carrying empties back would be greater than the average train mileage on the ordinary roads in this country. So that in place of $2 per train mile you have to put it at $4 per train mile, including carrying the empties back. On these fallacious premises the hon. gentleman calculated 6 cents per bushel for carrying wheat from Winnipeg to Quebec. I told the hon. gentleman I was going to criticise his figures, and that he should be present if he desired to defend them. I have an estimate here, taking $2 per train mile and counting the cost of carrying the empties back, which we have to do, for we know very well the train will have to go back empty because the rolling stock used for other eastbound traffic will be ample for carrying goods from the east, and this state of things will have to be continued for a long time. The following is a comparative statement of cost of carrying wheat from Regina to Quebec and Fort Churchill :

From Regina to Quebec, 1,716 miles or, including return of empty cars, a train mileage of 3,432, at $2 per train mile of trains carrying 40,000 bushels each, $6,864, or 17 cents per bushel.

From Regina to Churchill, 800 miles, or including return of empty cars, a train mileage of 1,600 miles at $2 per train mile of trains carrying 40,000 bushels each, $1,600, or 8 cents per bushel.

Saving in favour of Churchill, 9 cents per bushel.

Assuming that as much wheat will be carried as was shipped from Montreal last year, 11,000,000 bushels, the 9 cents would be over one million dollars of clear gain to the producers of the wheat.

Hon. Mr. McGREGOR—There is no market at Quebec or Churchill. The hon. gentleman should carry the calculation further.

Hon. Mr. FERGUSON—What the hon. gentleman says is not relevant. When you get to the sea-board, you have a sea voyage before you, whether you are at Churchill or Montreal. I dealt with the question of the straits and the navigation by that route before the hon. gentleman came in, and I am not going to repeat. He (Mr. Casgrain) puts the cost at 6 cents a bushel, and 30 per cent for costs. The amount he was going to allow for profit or cost of the road was 1½ cents a bushel. I made an estimate of that, and I found that in order to meet the interest of the cost of the road you would have to carry 246,000,000 bushels of wheat at 1½ cents per bushel. In fact there was no alowance for the cost of the road in the hon. gentleman's calculation, and I want hon. gentlemen to bear in mind that I have not included in my figures anything for the cost of the Grand Trunk Pacific. If you want to get the real cost of transportation, you must include the cost of the road. But I do not think the Grand Trunk will be out of pocket in building the road, and I think we will have 'shuffled off our mortal coils' before they pay interest on construction. In the same manner the railway to Churchill will have to be built by the people of Canada or out of the lands of the country, and therefore, we might perhaps in this calculation eliminate the cost of both roads. An hon. member interrupted me just now to bring out the cost of ocean transportation. He made a statement in the House which no doubt was accurate, on the authority of Mr. Reid, of Montreal, that tramp steamers were carrying wheat at a penny a bushel and that the owners were taking their ships from the freight business and turning them into passenger steamers on that account. If that statement is true of Montreal and New York, the day will come when it will also be true of Churchill, from the fact that you have a very much better sheet of water freer from rocks and shoals and natural difficulties than Montreal. I cannot refer to what took place in the committee to investigate our northern country, or I would tell the House that when Dr. Bell was asked the other day what aids to navigation were required in Hudson bay, he said that the navigation was very good, and that there was not any very urgent need of improvements. There is a good deal of attention directed at this time to the opening of the Peace river country. I notice that a report on that district has been laid before the House of Commons with which we have not been favoured, but I have learned from that report that the surveyor who has been there two or three years surveying that large block of land in British Columbia which belongs to the Dominion of Canada, some 4,000,000 acres of land—and there is an excellent testimony to the value of that land, that he would not advise the government of Canada to encourage immigration there until the people are supplied with a railway. I am also glad that the Grand Trunk Pacific did not go up through that country, because I fear that the carrying of wheat by any railroad down to the head of Lake Superior to find its outlet at Montreal or New York would not be practicable; that in our time, at all events, the cultivation of wheat could not be carried on profitably in the Peace river, no matter how good the country, on account of the great cost of transportation. But when other things are dealt with, a line of railway could be run from the Peace river due east to Churchill, or nearly due east. It would not be more than 800 miles long, and it would then bring Churchill as near an ocean port, I was going to say, as Regina is now, but very much nearer than Regina is now, because you would get rid of 1,000 miles of lake and river navigation, besides other difficulties. The day will come, I hope, and not very long away at the rate of progress we are making, when we will not only have a railway to Hudson bay running north from Regina but when we will have another railway running due east and west, bringing the wheat of the Peace river country to an ocean port. I do not agree with the remarks of the hon. gentleman from Calgary in regard to the port of Churchill. I do not think there will be any occasion to sequester Churchill, as it were, like the District of Columbia in the United States, to set it apart as not belonging to any

province, which my hon. friend suggests, if I understood him aright, but I think that the port of Churchill should belong to a western province, and that province Manitoba. I entirely agree with the remarks which he has offered to the House, and very timely and useful ones too, with regard to the lands authorized to be given to this railway. I hope the government will not lose sight of the importance of husbanding that land grant that is still available, and which can be implemented by orders in council and use that land grant in the best possible way in order to procure the construction of this road. It would be a great shame, in the light of what we have seen of land speculation, if that land were granted to any railway company who would sell it to speculators, and thus get into the hands of men who would hold it at almost impossible prices to the settler. If the lands are going to be given to a company who may build this railway they should be administered by a commission so that every dollar that would be paid for them would go into the railway, and the land itself would go into the hands of settlers at a price that would ensure the construction of the railway and the settlement of the country. Let me say in closing that I am disappointed that the members of the government have not taken part in this discussion, and I hope that, although as mover of this motion I am making what might be regarded as a closing speech, that they will not allow the debate to be closed without voicing the sentiments of the government in regard to it. My reason for saying so is that, in the ordinary course of things, my motion for papers on such an important matter calls for expressions from the government, and we usually have them, and we learn in that way the attitude of the government. In the event of our not getting any expression from the gentleman representing the government in this House, I want to read what the hon. premier said in the House of Commons :

> I am not prepared at this moment to make any further statement than that, but I say this with all the authority which I have in this House, that at this moment the subject is engaging the attention of the government. I am not prepared to say that next week or the week after or within a very short time we will have an announcement to make to the House, but I hope that before the end of the session we will have something to declare upon this subject.

Here is a very specific promise that before the end of the session the government will make an amendment on this question. We are hoping that we shall hear from the hon. gentleman representing the government in this House in fulfilment of that promise, before the close of the session. I think it is due to this House that we should have these statements on a subject of so much importance. Since I made my opening speech on this question, I have been very much encouraged by the assurance of the leader of the government. The subject was brought up in the House of Commons on February 22 by one of the members representing the west in that House, and some very interesting and able speeches were made on it. The Hon. Mr. Foster made a very clear declaration of his views in regard to the matter. He stated that when in the government he was the means of sending out the first exploration expedition in 1883 and 1884, and he was then perfectly satisfied that the route was feasible, and that it was available for commerce; but he said that Canada had a great many enterprises on its hands at that time, and there was the still greater reason that the success of the Canadian Pacific Railway was not then fully demonstrated, and the opening of another route, in his opinion might very safely be delayed until urgent need arose for it, in other words, until there was a congestion of the products of the west in finding an outlet. He said undoubtedly that the time had now arrived when the question would have to be dealt with, and with the large number of immigrants coming into the Northwest the congestion would continue, no matter what the railway companies could do, and they were doing all they could do. Notwithstanding anything they could do, however, the demand for rolling stock and cars would be greater and greater and the congestion was upon us, and it was time this question of the Hudson bay route was grappled with earnestly. He (Mr. Foster) was followed by the hon. leader of the government, who made a very interesting speech, including the words I have read to the House. The Manitoba elections were on at the time. It was only two weeks before the elections. I do not

want to be understood as insinuating that the remarks of either hon. gentleman was in any way affected by that fact. I know that the subject is pressing itself on every thoughtful man. It is impossible to brush it away with a wave of the hand. That could be done years ago, but it cannot be done now, because the west is being filled with people, and the increase in the future will be in greater ratio than in the past. On that account, this route is forcing itself upon the attention of the public, and I have no doubt it was that consideration, and not the Manitoba elections, that prompted the leader of the government to make the positive promise which he made in the House of Commons on February 22. We shall wait with hope and confidence that before the session closes we will have this announcement which he said he would make.

The motion was agreed to.

BILLS INTRODUCED.

Bill (81) An Act to incorporate the Central Canada Manufacturers Mutual Fire Insurance Company.—(Hon. Mr. Gibson.)

Bill (102) An Act to ratify an agreement between the government of Canada and the government of British Columbia respecting the western boundary of the Railway Belt. —(Hon. Mr. Scott.)

Bill (108) An Act to amend the Canada Shipping Act.—(Hon. Sir Richard Cartwright.)

The Senate adjourned until to-morrow at Three o'clock.

## SENATE.

OTTAWA, Friday, March 15, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

IMMORALITY IN DAWSON.

The notice of motion being called :

Hon. Mr. Ferguson—That he will inquire of the government :

1. Are they aware the Yukon council, one-half of which is composed of appointees of the government, and which is presided over by one of their officers, has granted licenses to at least two retail liquor shops in Dawson city in connection with which immoral entertainments and practices are openly conducted?

2. If the government is not in possession of information on the subject, will they cause an investigation to be made ?

Hon. Mr. FERGUSON—Is my hon. friend, the Secretary of State, ready to answer the question ?

Hon. Mr. SCOTT—I have not received the information yet, though I have asked for it. Mr. Oliver told me that he was not yet in a position to furnish it.

Hon. Mr. FERGUSON—I do not see why there should be any delay. This notice has now been before the House for nearly two weeks, and I am amply justified in proceeding and making my few observations on it at this stage ; but if my hon. friend will be better prepared on Tuesday to answer the inquiry, I shall defer it, as it is most desirable that we should be in possession of full information. I was quite correct the other day in stating that the ex-governor of the Yukon is in Ottawa, and has been here since the notice was put on the order paper, and I cannot understand why the government are not in a position to supply the information. However, I do not want to take my hon. friend at any disadvantage, and I shall, therefore, if he desires it, let the notice stand until Tuesday next.

Hon. Mr. SCOTT—I have done my part, all I can do. I cannot take the minister by the throat. I have asked him repeatedly to get me the information, and he said he would if he could. I did not know that the ex-governor of the Yukon was in the city, until my hon. friend mentioned it the other day.

Hon. Mr. LOUGHEED—Who is now the acting governor ?

Hon. Mr SCOTT—I cannot say.

The notice was allowed to stand until Tuesday next.

CIVIL SERVICE INSURANCE.

Hon. Mr. SCOTT—I beg to lay on the table a copy of a return relating to Civil Service Insurance, which was laid on the table of the House of Commons the other day. On my calling the attention of the Finance Department to the fact that a copy of it had not been furnished for use in this House, and that I considered a document

relating to the Civil Service Insurance Act ought to have been laid on the table of the Senate at the same time it was laid on the table of the House of Commons, the head of the insurance branch informed me that it never in the past had been the practice to do so; that it had only been laid on the table of the House of Commons. I said the House of Commons was not parliament and when the attention of the minister was called to it, he ordered the papers to be at once prepared.

THIRD READINGS.

Bill (31) An Act to incorporate the Northwestern Trusts and Loan Company.—(Hon. Mr. Lougheed.)

Bill (28) An Act to incorporate the Residential Fire Assurance Company.—(Hon. Mr. Sullivan.)

Bill (38) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Ross, Moosejaw.)

Bill (EE) An Act to incorporate the Winnipeg and Northwestern Railway Company.—(Hon. Mr. Ross, Middlesex.)

Bill (GG) An Act respecting the St. Mary River Bridge Company.—(Hon. Mr. Ross, Middlesex.)

Bill (II) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Ross, Middlesex.)

Bill (JJ) An Act respecting the Ontario, Hudson Bay and Western Railways Company.—(Hon. Mr. Ross, Middlesex.)

Bill (FF) An Act respecting the Algoma Central and Hudson Bay Railway Company.—(Hon. Mr. Ross, Middlesex.)

Bill (71) An Act to incorporate the Burrard, Westminster and Boundary Railway and Navigation Company.—(Hon. Mr. Riley.)

Bill (46) An Act to incorporate the Manitoba Radial Railway Company.—(Hon. Mr. Watson.)

LYON DIVORCE BILL.

REPORT OF COMMITTEE CONCURRED IN.

Hon. Mr. KIRCHHOFFER moved concurrence in the fifth report of the Committee on Divorce, re the petition of Victor Harold Lyon.

Hon. Mr. POWER—I wish to ask the hon. chairman of the committee one question. I looked over the evidence in this case, and there was one circumstance in connection with it for which no explanation was given, and that is the fact that the husband appears to have abandoned the marital relations with his wife for some two years before the occurrence of the offence for which he applies for a divorce. I think that is a circumstance in regard to which some explanation should have been demanded, because if there was no satisfactory explanation of that action on the part of the husband, I think he could be regarded as having in fact conduced to the offence of his wife.

Hon. Mr. KIRCHHOFFER—I do not think any explanation of that circumstance is necessary. In a great many cases one party is deserted by the other and the divorce proceeding is not commenced for sometime.

Hon. Mr. POWER—There is no explanation given.

The motion was agreed to.

SECOND READINGS.

Bill (UU) An Act to amend the Gold and Silver Marking Act.—(Hon. Mr. Gibson.)

Bill (VV) An Act to incorporate the International Canal and Power Company.—(Hon. Mr. Young.)

PORT ARTHUR POWER AND DEVELOPMENT COMPANY BILL.

Hon. Mr. KERR moved the second reading of Bill (WW) An Act to incorporate the Port Arthur Power and Development Company.

Hon. Mr. POWER—I should like to have some assurance from the hon. gentleman from Toronto that this Bill does not in any way infringe upon the rights of the province of Ontario.

Hon. Mr. KERR.—I have not given the matter sufficient attention to pass any deliberate judgment on it.

Hon. Mr. LOUGHEED—Does my hon. friend from Halifax think that the hon. gentleman from Toronto has shown such deep solicitude for the province of Ontario as to be the custodian of its rights?

Hon. Mr. POWER—Yes.

Hon. Mr. KERR—Certainly.

The motion was agreed to, and the Bill was read the second time.

## INSPECTION OF MEATS AN CANNED FOODS BILL.

### IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (No. 33) An Act respecting the Inspection of meats and canned foods.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I propose to make one small alteration in the clause giving power to the minister to make exemptions. At present it reads that he may exempt in the case of British and Continental exports. I propose to make it British or other markets, to include everybody. Representations have been made to him that it would be in the interest of the various packers.

Hon. Mr. FERGUSON—This will certainly not make the protection any less to our friends the lobster packers by extending it to all countries; but is it not like government by order in council? Parliament passes an important measure, and at the end of the session the government come down and take power to themselves to exempt everybody from the operation of it.

Hon. Sir RICHARD CARTWRIGHT—They are responsible to parliament if they abuse their power. I think it will be found very shortly that the placing of the name 'Canadian' on the package will be an advantage instead of a disadvantage; but the minister has yielded to the strong representations made by lobster packers and others on this point.

Hon. Mr. FERGUSON—My argument would be against passing any Act with reference to marking, if it is not to be enforced. What I object to is that we should pass an Act which provides for marking, and then give the Governor in Council power to render it all a dead letter.

Hon. Sir RICHARD CARTWRIGHT—We will not do that. It is merely with reference to these two classes of goods that this power is at all likely to be exercised.

The amendment was agreed to, and the clause as amended adopted.

On clause 21,

21. The certificate of the inspector or other officer appointed under the provisions of this Act shall, for the purpose of this Act, be prima facie evidence in all courts of justice and elsewhere of the matter certified.

Hon. Mr. LOUGHEED—I notice that the certificate of the inspector is to be accepted as prima facie evidence in all courts of justice. It would be utterly impossible to controvert any statement that might be made in that certificate, provided the inspector be not present. Let us assume for a moment that a charge is made under this Act and the inspector's certificate is placed before the court; that at once becomes prima facie evidence, and the onus is therefore thrown on the defendent. How is the defendent to controvert that if the inspector himself be not present?

Hon. Sir RICHARD CARTWRIGHT—I am not prepared off-hand to answer my hon. friend's objection other than this, that similar clauses have been introduced in a variety of other Acts affecting inspection, drawn on all fours with this. It is a difficulty that I say might, under certain circumstances, arise. Of course if an inspector made a mis-statement in his certificate, he would be guilty of a misdemeanour.

Hon. Mr. LOUGHEED—But the difficulty I see is this: There is no way of attacking the statement. The defendent would probably have no knowledge of it himself. The certificate contains a charge of violating the Act. The inspector might be labouring under a misconception, and it seems to me that in a court of law the inspector himself should be present.

Hon. Sir RICHARD CARTWRIGHT—Has the hon. gentleman any suggestion to make to remedy that? I think you will find they have granted those powers, taking it for granted, I presume, that the inspector would be held very severely responsible if he made any misstatement.

Hon. Mr. LOUGHEED—I do not know that he would wilfully make a misstatement.

Hon. Sir RICHARD CARTWRIGHT—If he made a misstatement, whether wilful or not, if that came to the notice of the head of the department he would discipline him very promptly.

Hon. Mr. LOUGHEED—Is there any reason why the inspector should not give his evidence viva voce ?

Hon. Sir RICHARD CARTWRIGHT—I do not know that there is, except that these inspectors will have to traverse a very great extent of country, and it might be difficult to bring them from place to place.

Hon. Mr. LOUGHEED—I suppose it is a matter that might be amended hereafter if it is subject to any abuse?

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Minister of Justice to it. I know they have advised me that these clauses are taken from similar Acts. That is all that I know personally as to this particular clause; but I shall take a note of it. I do not think, in practice, any abuse is likely to arise.

The clause was adopted.

On clause 30,

30. The administration of any part of this Act may be assigned by the Governor in Council to any minister other than the Minister of Agriculture, and in such case the minister to whom such assignment is made shall have the same powers with respect to the part of this Act to him assigned as the Minister of Agriculture now has.

Hon. Sir RICHARD CARTWRIGHT—This allows the administration of this Act to be in part controlled by the Minister of Marine and Fisheries, as the hon. gentleman will see.

Hon. Mr. LOUGHEED—You distribute the administration of the Act ?

Hon. Sir RICHARD CARTWRIGHT—Under certain circumstances, we may distribute the power.

The clause was adopted.

On clause 3,

3. All animals intended for slaughter in any establishment shall be inspected as provided by the regulations.

Hon. Mr. BERNIER—I call the attention of the Minister of Trade and Commerce to the provision of this clause. I suppose it means a slaughtering establishment, an abattoir, or something of that kind. But it is not very clear. It might be applied by somebody to other cases.

Hon. Sir RICHARD CARTWRIGHT—That is expressly excepted in the succeeding clauses. If my hon. friend will look at clause 5, he will see that slaughtering by farmers on their own premises, and so forth, is expressly excepted, unless there is good cause to interfere.

Hon. Mr. FERGUSON—That makes it all right.

On clause 2,

(a) 'carcases' means the carcases of cattle, swine, sheep, goats or poultry.

Hon. Mr. BERNIER—I call the attention of the government to the translation of the word 'carcase' in subclause (a) of clause 2. In the French version it is 'animaux'; which is not the correct word. We have the French word 'carcasse.'

Hon. Sir RICHARD CARTWRIGHT—I think the hon. gentleman is quite right. I am obliged to him, for calling attention to it. It can be corrected by our own officers.

Hon. Mr. BOSTOCK, from the committee, reported the Bill with amendments.

Hon. Sir RICHARD CARTWRIGHT moved concurrence in the amendments.

Hon. Mr. POWER—I wish to express my regret that clause 12 has been altered in the way in which it has. I think it was a very much better clause, as the Bill came to us, than it is now.

The motion was agreed to.

The Senate adjourned till Tuesday next at Three o'clock p.m.

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## SENATE.

OTTAWA, TUESDAY, March 19, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### IMMORALITY IN DAWSON CITY.

INQUIRY.

Hon. Mr. FERGUSON inquired of the government :

1. Are they aware that the Yukon council, one-half of which is composed of appointees of the government, and which is presided over by one of their officers, has granted licenses to at least two retail liquor shops in Dawson City in connection with which immoral entertainments and practices are openly conducted ?

2. If the government is not in possession of information on the subject, will they cause an investigation to be made ?

He said : I have deferred proceeding with this notice for some time ; but I feel that there are no circumstances which would warrant any further delay, and therefore I desire to call the attention of the House to the matter embracing this notice that I have given. I wish to explain the circumstances under which I have brought this matter before the House and, under the rule, I am entitled, when making an inquiry, to do so. I had a letter from a highly respectable man, formerly a resident of the province from which I come, now resident in Dawson City, in which he made statements with reference to the disgraceful conditions of things which he alleges exists in that city, in regard to licensing places in which immorality is openly and notoriously practised. I had a communication from another source altogether, independently of this, which entirely verified the information that I had when I placed the notice on the paper, and, in addition to that, I have read a letter which appeared in the Toronto 'News' some days ago, written by the Rev. John Pringle, a Presbyterian minister of very high standing. I know of my personal knowledge as to the standing of this gentleman. He was born in Nova Scotia.

Hon. Mr. KERR—I rise to a question of order. It does not seem to me that a discussion of this kind is at all within the meaning of any of our rules. The rule on the subject, I suppose, is No. 39, which reads as follows :

No debate is in order on a mere inquiry ; but explanatory remarks may be made by the senator making the inquiry, and by the minister or other senators answering the same. Observations upon such answer are not allowed.

It is not open to him therefore to debate the question.

Hon. Mr. FERGUSON—I am simply complying with the rule. I have looked at it carefully, and I am quite satisfied I am within my rights.

Hon. Mr. KERR—I am stating my point of order. It is out of no discourtesy to the hon. gentleman at all, but because I think the rules in this respect ought to be observed better than they have been in the past. We have had recently inquiries with reference to statements alleged to have been made, and newspaper articles with reference to statements alleged to have been made by a gentleman, not a member of this House, but a member of the other House which went forth all over the country as an inquiry. No answer could be given to it here. No one here knew anything about it, and that stood unanswered for a whole day. I want to show that I think we are transgressing rules, and that it was a very improper thing for these observations to have been made here when they could have been made elsewhere and an answer could have been given. An inquiry could have been made whether such a statement had been made, and so on. But I do not understand this rule makes provision that an inquiry can be debated. The hon. gentleman has explained that he has heard so-and-so ; but, I submit, it is not within the meaning of the rule that he should repeat statements he has heard, and refer to letters not produced here, and statements made by persons not named here, or to discuss articles in the newspapers, which are wholly irresponsible. I do not think it is reasonable we should be entertained by such a discussion, when it is out of order, and when, if anybody else attempted it, he would be stopped.

Hon. Mr. FERGUSON—My hon. friend says that we should not indulge in a discussion of this kind when it is out of order. I presume when he says it is out of order that, in his opinion, settles it. The rule says :

No debate is in order on a mere inquiry ; but explanatory remarks may be made by the senator making the inquiry.

I am merely making explanatory remarks, and I submit to the House that I am entirely and completely within the rule. I am explaining on what authority I am asking this question, and why I am asking it—that I am not asking it in mere wantonness, or without information. I have not given the name of the gentleman who wrote me in the first instance, or the name of the gentleman who verified the report I received ; because I do not think it is necessary ; but I have given the name of a very distinguished Presbyterian minister who has done magnificent missionary work in the Yukon for many years past, and have referred to a letter which he has published in the Toronto 'News' that fully and completely

proves the statement of facts to which I have alluded. I mention these things to show that I have not proceeded in this matter without having ample grounds on which to base this inquiry. I knew I was within my rights, and having made my statement, I now ask my question.

The SPEAKER—Of course hon. gentlemen will understand that it is pretty hard for the Speaker to decide just at what moment one passes from rule 39 to rule 40 when a statement is allowed. As between what constitutes explanatory remarks and a statement, sometimes it takes a little time before one can see exactly which ground the gentleman who is addressing the House has covered. I think, under the circumstances, the statement or remarks made were fairly under rule 39.

Hon. Mr. SCOTT—The answer of the minister, to the first inquiry, No ; and to the second, that inquiry is being made. I saw Mr. Oliver myself, personally, and he knew nothing about it.

## THE ROSS RIFLE.

### INQUIRY POSTPONED.

The notice of motion being called :

By the Hon. Mr. Landry. That he will inquire of the government :

1. How many rifles has the Ross Rifle Company manufactured, from the time it commenced the performance of its contract with the government up to the 1st of March instant:
(a) Of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.?
2. How many of all these rifles has the government accepted after inspection thereof :
(a) Of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.?
3. How much, up to the 1st of March instant, has the government given as payment in full for rifles :
(a) Of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.?
4. What is the amount paid in advance for rifles in course of manufacture but not yet finished or not yet accepted on that date, March 1, instant ?
5. How many rifles belong to the latter category and of what mark are they ?
6. Out of the rifles accepted by the government and wholly paid for by it, how many of each mark have been distributed, and how many of them remain in the military stores ?
7. At what places have the rifles been stored which have not been distributed ?
8. To whom have been given or sold the rifles that have been distributed ? What is the number, of each Mark, thus given or sold ? What regiments, rifle associations, bodies or individuals whosoever, are now furnished with the Ross rifle, and in what quantity has it been distributed to them ?
9. In what respect is the Mark No. II. essentially or especially different from the Mark No. I.?
10. In what does Mark No. III. differ from the two preceding ?
11. How many rifles of Mark No. II. have been substituted for rifles of Mark No. I., after a regular distribution of the latter ?
12. Were the rifles of Mark No. I. convertible, and have they been converted into rifles of Mark No. II. ?
13. Will the improvements recently brought about in the rifle of Mark No. II., in order to make out of it the rifle of Mark No. III., be extended to all the rifles of Mark No. II. and to all the rifles of Mark No. I.?
14. If the improvements brought about in the Ross rifle cannot be adapted to rifles previously manufactured by the company and accepted by the government, what use does the government intend to make of an arm comparatively inferior ?
15. What, on an average, is the proportion of rifles set aside on first inspection by the government ?
16. Out of these rifles rejected on first inspection, what is afterwards, on the average, the proportion of those which a second inspection allows the government to accept ?
17. Has the government concluded a contract with the Ross Rifle Company for the manufacture of a bayonet for this rifle ? When, at what price, and for what quantity ?

Hon. Mr. LANDRY—I ask that this be allowed to stand until after the adjournment. The minister has laid on the table of the House an answer to a previous motion concerning the Ross rifle, a very voluminous report, comprising about twelve or fourteen hundred pages. When I have gone through it, if I find that it answers my inquiry, I will not make the motion. I therefore ask that the notice be allowed to stand until after the adjournment.

The notice was allowed to stand until the 6th of April.

## CANADIAN PATENTS.

The notice of motion being called :

By the Hon. Mr. Domville :

That he will ask the government that patents registered in Canada be printed.

Hon. Mr. DOMVILLE—I explained the object of this when I gave notice. Many people would like to see copies of patents but the expense of procuring them is great, four or five dollars. In the United States a copy of any patent can be had for ten cents,

and I think we should have a similar privilege here.

Hon. Mr. SCOTT—On applying to the Department of Agriculture to ascertain the policy in connection with the subject, I am advised that the cost would be altogether out of proportion to the advantages, and that they could not think of undertaking it. They had discussed it with the King's Printer, and found that it would be a waste of money. Probably 95 per cent of those copies printed would never be asked for.

Hon. Mr. DOMVILLE—Could not some compromise be made, by which anybody applying for a copy of a patent, could get it on reasonable terms ?

Hon. Mr. SCOTT—Of course I cannot answer for that, because I presume the department is not making any profit out of it. The applicant ought to be charged no more than the actual cost of copying the patent.

## NATIONAL TRANSCONTINENTAL RAILWAY CONTRACTS.

### INQUIRY.

Hon. Mr. FERGUSON inquired :

1. What portions, stated in sections and miles, of the eastern division of the National Transcontinental Railway, have been placed under contract by the government from the 1st instant ?

2. What is the nature of the work embraced in the contract or contracts referred to, are they for grading, or does any of them include track-laying and ballasting, or all three operations ?

3. What will be the cost per mile of grading, track-laying and ballasting, stated separately, or all three operations combined, on each section of the said eastern division, embraced in the aforementioned contracts ?

4. If so, what is the length of railway between these points ?

5. Has the route of the western division of the said railway been approved as aforesaid ? If so, what is the length of the mountain and prairie sections, stated separately ?

Hon. Mr. SCOTT—The answer furnished by the department is as follows :—

New Brunswick.

Section 1, 50 miles from Moncton, westerly.

Section 2, 62 miles from a point about 2½ miles west of Grand Falls to Quebec boundary.

Quebec.

Section 3, 150 miles from the Quebec bridge easterly.

Section 4, from the end of the 150 miles westerly from the Quebec bridge westerly 45 miles.

Ontario and Quebec.

Section 5, from the 8 miles west of Abitibi river crossing, easterly 150 miles.

2. They all include grading, tracklaying and ballasting.

3. The estimated cost per mile for grading, tracklaying and ballasting each of the above sections is as follows :

Section 1, $19,797.92.
Section 2, $22,358.88.
Section 3, $33,408.97.
Section 4, $37,579.41.
Section 5, $26,579.34.

4. The distances between the let sections have not yet been computed.

5. The route has been approved, but the dividing line between the prairie section and the mountain section has not been determined.

Hon. Mr. CASGRAIN—Does the hon. Secretary of State say that these contracts have been awarded ?

Hon. Mr. SCOTT—They have been awarded. I do not know that the contracts have been signed—I do not think they have been ; but they have been allotted.

Hon. Mr. FERGUSON—Does this statement include the rails ?

Hon. Mr. SCOTT—No, not the rails.

Hon. Mr. FERGUSON—My question plainly calls for the cost of the rails. Of course you cannot lay a track without rails.

Hon. Mr. CASGRAIN—The government will supply the rails.

Hon. Mr. FERGUSON—Another question which I asked, earlier in the session, was in exactly the same words, and the cost of the rails was brought down. I have used the same form of words in both inquiries, and in the first instance it was interpreted properly to include the rails. Now it does not.

Hon. Mr. SCOTT—Those contracts do not include the rails.

Hon. Mr. FERGUSON—Do they include the ties ?

Hon. Mr. SCOTT—I do not know ; I do not think it.

Hon. Mr. CASGRAIN—The government insist upon furnishing the rails.

## PROVINCIAL RIGHTS.

### MOTION.

Hon. Mr. DAVID moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House all papers and correspondence between the federal and the provincial governments concerning legislation affecting provincial rights.

He said : In view of the resolutions that I shall move to-morrow, I am reserving the remarks which I intended to make on this subject until then.

Hon. Mr. POWER—I would suggest to my hon. friend that he should limit the extent of his resolution, because we have had in the past an immense quantity of correspondence brought down in both Houses on this subject. It would be better if my hon. friend would not ask to have it brought down again.

Hon. Mr. DAVID—I have no objection.

Hon. Mr. SCOTT—There is no objection to the motion being carried, but I do not know that there is any correspondence.

Hon. Mr. CLORAN—We want all the correspondence.

Hon. Mr. SCOTT—Since the last provincial conference, because the previous correspondence appears in the blue-book.

Hon. Mr. CLORAN—I think it should stand. There is a lot of correspondence with the Ontario government which would be useful in this discussion.

The SPEAKER—As amended, the motion will read :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House all papers and correspondence which has taken place within the last three years, between the federal and the provincial governments concerning legislation affecting provincial rights.

The motion was agreed to.

Hon. Mr. FERGUSON.

## CONGESTION OF TRANSPORTATION IN WESTERN CANADA.

### INQUIRY.

Hon. Mr. PERLEY inquired of the government :

If they have had any communication with the railway companies operating railways west of Lake Superior in western Canada in regard to the congested state of transportaton on these railways, and if so, what has been the result, if not, what does the government propose to do regarding the matter ?

Hon. Mr. SCOTT—I am sorry I have no information on that subject. None of my colleagues have sent me any answer to the question. I presume the hon. gentleman alludes to the recent snowstorms in the west?

Hon. Mr. PERLEY—No, my question covers a condition that has existed the last six or seven months.

Hon. Mr. SCOTT—I will inquire further about it.

Hon. Mr. PERLEY—We will let the inquiry stand until Friday.

The inquiry was allowed to stand until Friday.

## APPOINTMENT OF INTERPRETER AT NORH SYDNEY.

### INQUIRY.

Hon. Mr. McDONALD (C.B.) inquired of the government :

If Abraham Astafeen has been appointed interpreter at North Sydney ? What is his salary, if so appointed ?

Hon. Mr. SCOTT—Abraham Astafeen was employed temporarily during part of January as interpreter at North Sydney at $2 per day, but he is not on the regular staff.

## APPOINTMENT OF AN IMMIGRATION AGENT AT NORTH SYDNEY.

### INQUIRY.

Hon. Mr. McDONALD (C.B.) inquired of the government :

If Richard Hickey has been appointed immigration agent at North Sydney, and if so, at what salary ?

Hon. Mr. SCOTT—Yes, at $1,000 per year.

## SYDNEY MINES BRANCH OF THE INTERCOLONIAL RAILWAY.

### INQUIRY.

Hon. Mr. McDONALD (C.B.) inquired of the government :

1. What length of road was built for the Intercolonial Railway from North Sydney to Sydney Mines, known as the Sydney Mines Branch ?
2. When was the said road commenced, and when finished ?
3. What amount has already been paid out for the construction of said line ?
4. How much is still due on the said line ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. 2 7-10 miles.

2. Work was commenced in October, 1904 ; opened for business 24th June, 1906. Terminal facilities at Sydney Mines not completed.

3. $89,701.62.

4. $34,546.11. Estimated cost to complete work includes land and grading for terminal facilities ; station building and freight shed at Sydney Mines now under contract.

## BILL INTRODUCED.

Bill (CCC) An Act for the relief of Victor Harold Lyon.—(Hon. Mr. Davis.)

## THIRD READING.

Bill (27) An Act respecting La Banque Nationale, as amended.—(Hon. Mr. Landry.)

## INSPECTION OF CANNED FOODS ACT.

### THIRD READING POSTPONED.

Hon. Mr. SCOTT moved the third reading of Bill (33) An Act respecting the inspection of Meats and Canned Foods, as amended.

Hon. Mr. SULLIVAN—In regard to Bills of this character, one difficulty is that the hon. gentleman who has charge of it in this House is not the hon. minister who framed the Bill. If it could be so arranged that the hon. gentleman in whose department the Bill was framed could have a seat in this House, I think it would be much better and would lead to more satisfactory explanations by the ministers to hon. senators. I do not think this Bill amounts to much. It is only for some special purpose, and what that purpose may be I do not know. As far as the general purposes of inspection of foods is concerned, it is utterly useless. I did not give notice of any amendment to this measure ; but I think some of the definitions are wrong, and I will suggest a change to the hon. minister, whether he likes to have it done or not. The clause says :

No animal affected or suspected of being affected with contagious or other diseases shall be slaughtered.

I think we should add the words : 'Or any animal that has died from any other causes them slaughter.' Animals die from different causes, and it is a well known fact that they may sometimes contain a deadly poison germ, which is called ptomaine, in canned goods, and it can only be detected and examined by a microscope. Of course that is out of the question in such cases, because it is only the veterinary surgeons who examine them. We have no idea what the examination is, and no idea how many inspectors there will be or what their duties will be or anything concerning them. All the points that ought to be in this Bill are left out of it. I merely make the suggestion. If the hon. gentleman likes to adopt it he may do so. I think it is very essential, and that it was an oversight that it was not inserted. No Bill of this character should be passed without some such provision in it. That is the only clause which suggested itself to me as susceptible of amendment. Other suggestions might be made, but at this stage there is no use in presenting them to the House.

Hon. Mr. SCOTT—I think there is a great deal of force in the objection. It accords with my views, and as Sir Richard Cartwright is not here, I move that the Order of the Day be discharged and that it be placed on the Orders of the Day for Thursday.

Hon. Mr. LOUGHEED—There are many Bills printed, but are not so marked on the order paper. There is no reason why the business should be suspended because of a clerical error. This Bill has been printed, distributed and is on our files.

Hon. Mr. LANDRY—It is not printed in French.

Hon. Mr. GIBSON—It has surely been long enough on our order paper, because it received its first reading on the 23rd of January.

Hon. Mr. LANDRY—It is from the Commons, and should come to us translated. It is not the fault of any of our officers; it is the fault of the Commons. They should send this Bill translated, and I shall persist in my objection.

Hon. Mr. LOUGHEED—It is well known that it is printed in English, although it is not so marked on the order paper.

The SPEAKER—I understand the Bill was distributed after the Order of the Day was printed.

The Order of the Day was discharged and placed on the orders for to-morrow.

## WESTERN BOUNDARY OF RAILWAY BELT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (102) An Act to ratify an agreement between the government of Canada and the government of British Columbia respecting the Western Boundary of the Railway Belt.

He said: This is purely a formal matter. I may say that the western boundary of the railway belt, has already been approved by the legislature of British Columbia. I took the trouble myself to compare section three with the British Columbia statute, and I found it was the same, word for word. As hon. gentlemen know, when the Canadian Pacific Railway was first being constructed, British Columbia gave twenty miles on each side of the line of railway, and also certain other grants within the province. This is the western face of it, and it is described under clause 3 of this Bill. The British Columbia legislature have already approved of it by an Act last session, and the Dominion parliament, by this Act, proposes to accept that explanation of it.

Hon. Mr. LOUGHEED—Can my hon. friend say in what way difficulty has arisen? Was there not a delimitation of the boundary at the time of the contract between the two governments?

Hon. Mr. LANDRY.

Hon. Mr. SCOTT—Oh, no, there was none. If the hon. gentleman will read clause 3, he will find it was most complex.

Hon. Mr. LOUGHEED—I am fully aware of that fact, yet this must have been determined at that time in some way or another.

Hon. Mr. SCOTT—There was a 20 mile belt on each side of the line.

Hon. Mr. LOUGHEED—But there must have been some delimitation of the belt at the time of building the Canadian Pacific Railway.

Hon. Mr. SCOTT—It was presumed to be to the coast, but it would be unreasonable to ask for it to go to the coast, because it would include villages, towns and cities not then dreamed of.

Hon. Mr. LOUGHEED—I call attention to the fact that this is another Bill, coming from the House of Commons, which is not translated yet.

Hon. Mr. SCOTT—We will have it ready when the House goes into committee.

Hon. Mr. LANDRY—I am not going to object to it, but I call the hon. gentleman's attention to it.

Hon. Mr. SCOTT—I am quite aware of it; but I do not control the translators.

Hon. Mr. LOUGHEED—It seems to me extremely unfortunate that these objections should be interposed from time to time. Of course my hon. friend is quite within his rights, and it is not with a view to induce him in any way to refrain from exercising that right, but surely it should be within the power of the government to enforce that well-established practice, that legislation shall be printed in both languages.

Hon. Mr. SCOTT—It is not the government at all. It is entirely in the control of the House.

Hon. Mr. THIBAUDEAU (de la Vallière)—The Bill is printed in French. I have it here.

Hon. Mr. LANDRY—The hon. gentleman has taken the Bill of the House of Commons. He does not know the difference between the House of Commons Bill and the form which is sent up to the Senate.

Hon. Mr. LOUGHEED—I was about to say that this Chamber loses very considerable time indeed in dealing with the business of the country by reason of Bills not being printed in French. Now, for my hon. friend the leader of the House to say that the difficulty is an insuperable one, seems to my mind idle. Surely the parliament of Canada is not so helpless that its business must be obstructed from day to day by reason of Bills not being printed in French. It seems to me to be entirely within the power of my hon. friend the leader of the government, to provide a remedy whereby those Bills may come down concurrently, printed in both English and French, so, that the time of the Chamber may not be further wasted.

Hon. Mr. SCOTT—I have never heard that question raised in the House of Commons. Bills which are not printed in French constantly pass that House from time to time. The appointment of translators rests entirely with the two Chambers. It is not a matter with the government at all. The government are in no way responsible for it.

Hon. Mr. De BOUCHERVILLE—It seems to me that everybody agrees that this Bill should be printed in French and English. The hon. Secretary of State says you cannot control the House of Commons. Certainly that is right, but we can control our own business here, and reject all Bills coming from the House of Commons which are not printed in French and English, and then they will see the necessity of doing what they should be compelled to do.

Hon. Mr. FERGUSON—It may be quite true that this is a matter which is controlled by the House of Commons, but we have it very strongly in evidence that the government controls the House of Commons and this House as well; therefore we must come back and place the responsibility squarely where it belongs, and that is with the government.

Hon. Mr. LOUGHEED—I would go further, and say that my hon. friend being the leader of the government in this House, certainly should set the proper machinery in motion whereby this difficulty would be obviated. It is idle to say that there are officials of this Senate who are so remiss in their duty as not to furnish the French translation in time for the business of the Chamber, yet we are helpless to deal with that difficulty. It is a confession which certainly should not be made, and my hon. friend as leader of the government in this House and as leader of the House should at once set the machinery of the Chamber in motion to remedy this evil.

Hon. Mr. SCOTT—To have the translations done simultaneously would cost probably ten times the amount that it costs today.

Hon. Mr. LANDRY—I would call the hon. gentleman's attention to the fact that that Bill has been translated in the House of Commons. The proof that it has been translated is that my hon. friend from de la Vallière has the French translation in his hands. The only thing to do, after the third reading, when the Bill is sent to us in the Senate form, is to send the French translation at the same time. The translation is there. They do not do their work.

Hon. Mr. SCOTT—I shall be glad if my hon. friend will trace it through all its intricacies. I have tried it and have been balked at it. One translator will not take the translation of another, and there is jealousy between these officials.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend if there is any further trouble in this connection, a resolution should be moved in this House condemning the officials who are responsible for this trouble from which we are daily suffering. Certainly some initiative must be taken, and there is no one so responsible for this as the hon. leader of the House. I am not blaming him at the present moment, but it has been pointed out that the House has within itself the power to remedy this trouble, and my hon. friend as leader of the House, should certainly move a resolution that if the translators are remiss in their duty they shall be dismissed and new officials appointed who will keep the business of the House going.

Hon. Mr. DAVID—And the French translators say that if they are asked to give an explanation, they will show that it is not their fault. I observe from a report of what

took place in the Quebec legislature that they complain that the English version is not published at the same time as the French.

Hon. Mr. LANDRY—There is this difference, however ; that the printing bureau in Quebec, where the English journals were printed, was burned.

Hon. Mr. POWER—My hon. friend the leader of the opposition is slightly in error as to this particular Bill.

Hon. Mr. LOUGHEED—I am not dealing with any particular Bill.

Hon. Mr. POWER—Well, generally. A difficulty arises in connection with Bills which come from the House of Commons. As the hon. gentleman from Stadacona has pointed out, the persons responsible for the non-translation of the Commons Bills are not our own officers, but officers of the other House. I am not sure that we have had it brought home, during the present session, to our own officers that they have been unduly slow in translation.

The motion was agreed to, and the Bill was read the second time.

## MUTUAL RESERVE LIFE INSURANCE COMPANY ACT AMENDMENT BILL.

### SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (SS) An Act to amend an Act respecting the Canadian Assessment Policyholders in the Mutual Reserve Life Insurance Company.—(Hon. Mr. Domville.)

Hon. Mr. DOMVILLE moved that the order be postponed until the 4th of April.

Hon. Mr. POWER—We have nothing to do to-day except to transact business, but this rule about the translation and printing of Bills in the two languages has hindered our dealing with several items, and now the hon. gentleman from Rothesay disappoints us. We thought we were going to do business and have perhaps some little amusement over this Bill. Perhaps the hon. gentleman's life is insured, but the lives of other senators are not insured, and we may not be here to discuss this Bill on the 4th of April. I should prefer he would go on with it now.

Hon. Mr. DAVID.

Hon. Mr. DOMVILLE—I did not know that we were here in the Senate for fun ; I thought we were here for business. If there is any enjoyment to be had from tickling up somebody else, that is not my view of the case. My reason for asking for the postponement of this order is that an hon. gentleman who is absent through sickness or some other cause, would like to have it postponed until he can be here ; but if my hon. friend has any reason for going on now, and wishes to tickle up the public, I am ready to proceed.

The motion was agreed to.

## RAILWAY ACT AMENDMENT BILL.

### SECOND READING.

The Order of the Day being called :

Second reading Bill (3) An Act in amendment of the Railway Act, 1903.—(Hon. Mr. Perley.)

Hon. Mr. PERLEY—I understand this is a government Bill, and I think the hon. Secretary of State had better take charge of it.

Hon. Mr. SCOTT—I have had no intimation that this is a government Bill. I never heard a word of this Bill from any member of the government, and no member of the government had charge of it in the other House.

Hon. Mr. PERLEY—Then perhaps the order should be discharged.

Hon. Mr. CLORAN—Explain.

Hon. Mr. PERLEY—I believe it is a government Bill. I understand there is no objection to it, and I therefore move that it be read a second time.

Hon. Mr. POWER—I assume that there will be full explanation given in Committee of the Whole.

Hon. Mr. PERLEY—Yes.

The motion was agreed to, and the Bill was read a second time.

## RAILWAY ACT FURTHER AMENDMENT BILL.

### SECOND READING.

Hon. Mr. PERLEY moved the second reading of Bill (4) An Act in further amendment of the Railway Act, 1903.

Hon. Mr. BAKER—This Bill, unlike the one that preceded it, involves a very important principle. It deals or affects to deal with a matter which comes within the jurisdiction and control of the Railway Commission, and for that reason I submit to the House that it ought not to be entertained. A Bill in precisely the same terms was before parliament last session, and was rejected by the Senate. The only question in my mind is whether it should be thrown out on the ground that it involves a principle to which the Senate ought not to give its adhesion, or whether it should be referred to a Committee of the Whole House in order that a further discussion upon the principle of the Bill should be had. If that is understood, there might be no objection to the second reading of the Bill to-day.

Hon. Mr. DAVIS—When this Bill was before the Senate last year, it was thrown out on a motion of mine on the very ground that my hon. friend has just taken. I thought it was something that the railway commission should take up. However, twelve months have passed since then, and nothing has been done. The House of Commons has seen fit, in its wisdom, to send this Bill to us a second time and I have no desire to throw it out under the circumstances.

Hon. Mr. FERGUSON—I find this Bill has been many times before the House of Commons, though not always in the same form as it is now. It was finally referred to a special committee of the House, consisting of four members from the government side and three from the opposition, and the outcome of that investigation was that a Bill was passed in the House of Commons last year and sent to the Senate, very near the end of the session, when the work was congested, and it was not possible to give it that consideration which it deserved. It was introduced in the House of Commons again this year very early in the session and passed without opposition. The Minister of Railways, who had given the matter a great deal of consideration, and to whom the Bill in its first form had been unacceptable, made this observation :

> No one can fail to recognize that there are very many accidents all over Canada, yearly, monthly, weekly almost, in connection with these rail level crossings and it was considered that some provision should be made to obviate that danger. The committee, therefore, made this proposal which was accepted by the House of Commons unanimously, in fact while the Bill was promoted by a private member it was adopted by the government and made part of the government Bill in amendment of the Railway Act. But when it went to the Senate in the very last hours of the session the Senate declined to accept it. It is not for me to question the judgment of the Senate, but it seems to me that in the public interest there should be legislation of this character. I am heartily in sympathy with the object which my hon. friend (Mr. Lancaster) has in view, and while I would not wish to place undue burdens upon the railways of the country, yet, having regard to the time they have to provide for the requirements of this legislation, I think they should be asked to conform to it and do justice to the public at large.

This Bill came from a prominent member of the opposition, and I have quoted the expression of the Minister of Railways. The Bill passed the House of Commons without opposition, and I think we have a good case for it here.

Hon. Mr. CLORAN—There is just one thing in this connection to which I should like to call the attention of the House. The Bill provides that no train shall pass over any highway at rail level in cities, towns or populous villages, at a speed greater than ten miles an hour. Now a train at that speed would kill just as fast as a train running at sixty miles an hour.

Hon. Mr. McKAY (Truro)—But you could get out of the way.

Hon. Mr. CLORAN—A provision should be inserted, making the clause apply unless such crossing is properly protected. Living in the city of Montreal I know that many of the crossings are properly protected, and, at such crossings, there is no necessity for diminishing the speed of the train. If all level crossings were properly protected, there would be no necessity for reducing speed. I understand it is a hardship for railway companies to have to slow down, but it is for them to protect their crossings, and, when that is done, they should be allowed to run as fast as they want to. In the long run, it would pay every railway company to properly protect its level crossings. I am in favour of this Bill because its object is to protect human life. In the city of Montreal a good many lives have been lost on our level crossings between Bonaventure

station and St. Henri, and it is time parliament took steps to protect the public. Proper protection is not secured so much by reducing the speed of the trains as in having a crossing properly protected.

Hon. Mr. WOOD—I do not think those who are in favour of this Bill have made out a case which would justify the Senate in giving its sanction to the Bill. It has been said a Bill similar to this was before the Senate last year and was rejected. I have taken pains to look over the debates which took place in the other House when this Bill was passed, and I do not find any good reason given for the adoption of this measure. What may have taken place in the committee of the House of Commons, which has been referred to, I do not know. Possibly something was said there, or facts brought forth which were sufficient to convince the Minister of Railways that the Bill was a proper one ; but I do not think that should influence the judgment of the Senate, when there seem to be such strong reasons why this Bill should not be adopted. In the first place it merely refers to the speed of trains passing through cities, towns and thickly settled villages. As the hon. senator from Victoria has said, I do not think the fact of reducing the speed of trains to ten miles an hour, would have much effect in protecting life at street crossings in such cases. In any case, no general rule can apply so far as such crossings are concerned. It would be difficult to say with any very great positiveness what was a thickly settled village or town, or what is a speed of ten miles an hour ; but even if you admit that certain villages, towns and cities are thickly settled, you will find in all of them certain crossings which are dangerous and others which are not. This, to my mind, shows the undesirability of fixing any speed limit with regard to crossings. The policy adopted by the government in passing the Railway Act of 1903 would seem to be the correct policy, where it places it within the discretion of the Railway Commission to say what safeguards should be furnished to insure the safety of the public at level crossings. Under the Act of 1903, any city, town or municipality has a very simple remedy, if there is any unnecessary danger at any of these public crossings. All they have to do, under this Act, is to make application to the Railway Commission and have such safeguards at that particular crossing as may be necessary. They can adapt the order or regulation to suit the circumstances of each particular case, and it must be evident to any one who considers this question at all that that is the proper system to adopt, and the way that these matters should be remedied. It seems to me to be altogether unwise to pass any fixed or general law regulating merely the speed of trains at crossings. Sometimes it may be desirable to have a speed of ten miles an hour at some crossings, while at other crossings that speed might be altogether insufficent. You may require to have gates or persons stationed at such crossings for the protection of the public. In my opinion, the law is much better as it stands. This is unwise and unnecessary legislation, and I should regret to see it adopted.

Hon. Mr. DOMVILLE—The hon. gentleman from Westmoreland, like myself, is getting to be an old man, and perhaps he considers that his life is of little value. I do not agree with him at all. The intention of the Bill is to protect human life. In our own province we have the unfortunate case of Norton : Many people have been killed there, and why have they been killed ? Because there has been no protection for the public. My hon. friend will not tell me that a train approaching a station at a rate of forty or fifty miles an hour is not more dangerous than a train travelling at ten miles an hour. So many feet are travelled per second, and the less the rate of speed, the better the chance for people to get out of the way.

Hon. Mr. WOOD—This would not apply to Norton, because Norton is on the Intercolonial Railway.

Hon. Mr. DOMVILLE—Then it should apply to Norton, and to the Intercolonial Railway. Does my hon. friend say that life is not as valuable in King's county as in other places ?

Hon. Mr. LANDRY—The Railway Act does not apply to government roads.

Hon. Mr. DOMVILLE—I know it does not ; but that does not prevent one from expressing the opinion that the Railway Act should protect human life at all level crossings. Life should be as valuable in Norton,

where the people are all Liberals, and vote for the Liberal candidates, as anywhere else. I do not see why there should be any extended debate over this Bill. Why do not the railway companies protect their crossings ? This Bill requires them either to do so or to reduce their speed at level crossings. If human life cannot be protected from a train running at ten miles an hour reduce it to two miles. If the Act does not apply to the Intercolonial Railway, it is unfortunate ; I think it should be extended to all railways. I know the hon. gentleman from Westmoreland is a humanitarian and a good Christian like myself, and I am sure that if he would study the question better he would support the Bill.

Hon. Mr. JONES—The Senate of course desires to pass such legislation as will protect the lives of the citizens of Canada. The hon. gentleman from Rothesay says that if the speed of a train is reduced to ten miles an hour, it will give persons who may happen to be in the way a chance to escape. The answer to that is, that perhaps if a train were going at a high speed it might pass the place before the people got in the way. The first clause of the Bill is not very clear. It says :

> No train shall pass over any highway crossing at train level in any thickly settled portion of any city, town or village at a greater speed than ten miles an hour.

And then it proceeds to say : ' Unless such crossing is properly protected.' Does not that imply that if an accident occurred at such a crossing when the train was not running at a speed of about ten miles an hour, the railway company would be within its rights, and that the effect of this Bill is, practically, to legalize the railways to run at speed over dangerous crossings, whatever the results may be, provided they do not run faster than ten miles an hour ? It appears to me that that is implied, if it is not stated in so many words in the Bill. I should like to hear from legal gentlemen what their opinions are on that point.

Hon. Mr. FERGUSON—I would point out to the hon. gentleman, that all the clauses up to the word ' unless ' is the wording of the law as it stands now. There is no change in the Act until you reach that point.

Hon. Mr. CLORAN—The point is well taken.

Hon. Mr. JONES—If that has been the law up to the present time, and we are adding these words, we are legalizing trains running not faster than ten miles an hour over dangerous crossings. I would suggest that those words should be eliminated. The Railway Commission can limit the speed after going into the question carefully, examining the crossings and considering the situation, seeing whether the crossing is at a curve where it is not easy to see an approaching train, or where it is out of view because it is between buildings which prevent people seeing any considerable distance, or trees intervene that prevent the engineer seeing the crossing—all these things are conditions necessary for the consideration of what speed a railway train should be allowed at a crossing. These are matters which the Railway Commission should deal with, because they can visit these dangerous places as they should do, and with the information and the evidence that would be before them, they would be capable of deciding upon what speed should be allowed at any particular point under the circumstances. There are many places where a speed of five miles an hour would be much more dangerous than a speed of twenty-five miles an hour at other crossings.

And we take away, to some extent at least, from the Railway Commission by stating first, and specifically, what the rate of speed shall be, without reference to the condition of the crossing, and then ending the clause by saying that the Railway Commission may make it what speed they please. The responsibility of such legislation in this House ought to rest with the Railway Commission, and I submit the first part of this clause is not in keeping with and is not intended to bring about the best results, and it is misleading rather than helpful to the condition which it is intended to help if not cure.

Hon. Mr. LOUGHEED—Of course we commit ourselves to the principle of this Bill if the resolution passes that it be referred to Committee of the Whole. While I, for one, do not object to the Bill going into committee, reserving to ourselves the right to discuss the principle of the Bill there, yet I regard it as desirable to state my objection to the principle before that motion passes. Hon. gentlemen will doubt-

less recall that this Bill was discussed at the last session of parliament. The Senate on the occasion rejected the Bill. Is there any stronger reason to be advanced during the present session than was advanced last session why this Bill should be passed ?

Hon. Mr. CLORAN—Yes, more were killed last year.

Hon. Mr. LOUGHEED—I do not give serious consideration to what my hon. friend says.

Hon. Mr. CLORAN—The hon. gentleman asked the question and I answer it.

Hon. Mr. LOUGHEED—I see no stronger reason for the passage of the Bill this session than existed last session. I think the House would stultify itself by accepting the Bill now, after having rejected it before. If the Senate is to perform any important function in the way of revising legislation, it cannot attain that particular object by rejecting a Bill one session and passing it the following one. The next consideration, to my mind, is this : Why has parliament engaged itself for some years past in passing very important legislation constituing a Board of Railway Commissioners to, practically regulate the affairs of our railways throughout the Dominion ? Parliament has made provision for, and the government has appointed a Board of Railway Commissioners, surrounded by a staff of experts, whose duty it is—and who perform that duty so far as I have been able to learn most satisfactorily to the country—to inquire into every subject of this kind, and, as the result of expert investigation, to recommend to parliament the passage of such legislation as would be necessary to meet the requirements of the public from time to time. Now, one of the responsibilities placed upon this Board of Railway Commissioners is the very subject that parliament is assuming to itself, namely, to decide whether this legislation should pass instead of leaving it to the Board of Railway Commissioners, who have very much more accurate knowledge on the question than parliament itself. It, therefore, follows that because one private member of parliament may consider that an abuse exists the entire legislative machinery governing the railways of the country, must be amended because that particular member may possibly think he will receive public approval by moving an amendment to the Act. It is idle to place responsibility upon the Board of Railway Commissioners, and then take that responsibility away, because there possibly may be public clamour with reference to some particular detail. If the railways of this country are to be properly regulated within the contemplation of the Railway Act, it can only be done by placing that responsibility exclusively upon the Railway Commissioners. Immediately the Board of Railway Commissioners finds parliament is disposed to give serious attention to every proposition, which may be advanced, with reference to relieving them of their duties, in course of time they will lose that sense of responsibility which now devolves upon them, and will leave it to parliament to legislate from time to time with reference to details of that kind. We have already empowered the commission to legislate on this particular subject, and there is not a railway crossing from the Atlantic to the Pacific dealt with and within the contemplation of this regulation which we are discussing here, but can have its crossing upon making application to the Railway Commission. Therefore it rests with us to say whether parliament, which has no actual knowledge upon this subject, is a better judge as to where a railway crossing should be protected, than the Railway Commission surrounded, as I have said, with its force of experts. The next consideration is this ; parliament is bonusing fast steamship lines and fast means of transportation and communication. Have hon. gentleman considered what the effect of this legislation would be, where we have practically three thousand miles of railway from the Atlantic to the Pacific, and where there are villages practically five to ten miles apart ? Have they considered what it would mean with reference to through passenger traffic from the Atlantic to the Pacific, if a train has to slow down to ten miles an hour at every crossing ? We who live at a distance from Ottawa would not reach our homes for seven or eight days from the time we started from the capital.

Hon. Mr. DOMVILLE—The Bill says: 'unless properly protected.'

Hon. Mr. LOUGHEED—I am not going to repeat what I have said, but I would, for the benefit of my hon. friend, point out that that responsibility is vested in the Railway Commission, and any municipality having an unprotecting crossing can make application to the commission and the commission can deal with it; therefore, it resolves itself simply into a question as to whether parliament can better deal with that subject than the Railway Commission, whose exclusive duty it is to consider such matters.

Hon. Mr. DAVIS—Will the passing of this legislation in any way interfere with the functions of the Railway Commission?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. DAVIS—How?

Hon. Mr. LOUGHEED—Because it takes from the Railway Commission the discretion which is at present vested in it, as to where a railway crossing should be protected.

Hon. Mr. CLORAN—No.

Hon. Mr. LOUGHEED—It is an arbitrary provision, making it absolutely incumbent on the railways to protect those crossings, notwithstanding the discretion of the Railway Commission.

Hon. Mr. DAVIS—My hon. friend is a lawyer, will he tell me this? Under this Act, is it not a fact that if the railway companies expend a little of the large surplus they have to improve their crossings and protect the public, they can run as fast as they like? Practically all the Bill asks for is to make them spend their money and improve the crossings.

Hon. Mr. WATSON—It seems to me that the Bill we are discussing now is practically the same Bill as the Bill that was before us last year, only in a little different form, and not quite so good. Under the Railway Act, we have ample provision. Section 227 of the Railway Act says:

> No train shall pass in or through a thickly peopled portion of the town or village at a speed greater than ten miles an hour, unless the track is properly protected and fenced in the manner prescribed by this Act, or unless permission is given by regulation or order of the Board of Railway Commissioners.

It seems to me a better clause than the one in the Bill now before us, which appears to repeal that clause. It is more like common sense. I do not see any necessity to introduce a Bill referring to the Railway Committee of the Privy Council, I understand that there is no such committee in existence now. The Railway Commission does the work which used to be performed by the Railway Committee of the Privy Council. In the Act as it now stands, the same language is used as we find in the former part of this Bill; but later on it says:

> Unless permission is given by regulation or order of the board, a train cannot pass at a greater rate than ten miles an hour.

I made a reference to the fact last year that the automobile was to be allowed to run twenty miles an hour; there were no rules to guide it around the corners, and you would not know where you would meet one. But, on a railway, the only place you would meet danger is at a crossing. That is where you have to look out for danger. I fully agree with the hon. gentleman from Calgary when he says if this Bill were put in force and trains had to slow down at every crossing between Ottawa and his home, it would take two days longer for him to reach there. Everything is being done at the present time to facilitate the running of fast trains, and so long as the board have full control of the railway crossings, and a train is not allowed to cross a dangerous crossing at a faster rate than ten miles an hour without permission of the board, and also a provision that the board shall limit such speed in special cases to any rate it deems expedient, it seems to me there is sufficient protection. The board to-day can direct that a train shall not pass a crossing at a higher speed than one, two or five miles an hour. They have ample power already, and it does seem to me that that being the case we should not interfere with the Railway Act as it stands at present. As the hon. gentleman from Calgary has said, if from year to year the clauses of the Railway Act are to be amended by any person who has a fad, it would be a serious matter. There is no question that the hon. gentleman who introduced this Bill has a fad on railway guards. When he had a seat in the House of Commons he introduced a measure there to regulate certain

guards, and we expect that every year he will direct attention to the Railway Act and the powers the board has. We should not interfere with the duties and responsibilities thrown on the Railway Commission. There is no doubt that the clause which this Bill seeks to repeal is a better clause than the one in the Bill before us.

Hon. Mr. ROSS (Middlesex)—It is a well known fact to every member of this House that many lives are lost at railway crossings, and that is the substantial fact which confronts us in the consideration of this Bill. It is very pleasant to travel at high rate of speed when the track is clear, and when every hon. gentleman wants to get to his journey's end with as great rapidity and comfort as possible. I think it is due to the public who have other rights, as well as to the traveller, that these rights should be considered. Travellers by vehicle and on foot cross railways in many ways and in many places. Travellers on the public streets cross the railways, and their rights should be considered. If life were not so frequently lost, I do not know that that matter would be so urgent, but it is somewhat of a reproach to Canadian railways that they are so often the cause of loss of life, not only in accidents which, sometimes, might be prevented by a little more care on the part of the railway authorities, and particularly at railway crossings. Within the last twenty-six months, I saw it stated the other day in a paper, that over 400 lives were lost in railway accidents. That is a very serious thing. Whether the lives are valuable to the public or not, they are valuable to their own friends and relatives and it is a great hardship. It is evident that a fast moving train, is more dangerous than a slow moving train, and if we say to the public, or to the railway authorities that trains should not move at a faster rate than ten miles an hour, we put good engineers and drivers on their guard to that extent. Say a train is five minutes late and the engineer is anxious to get in on time. The authorities expect him to move his train quickly, to make connections, and so on. He is on the home stretch, and coming through a suburb of the city and anxious to be on time. The natural desire to be on time and make railway connections stimulate him, and with a thoughtlessness, for which he is, perhaps, not very much to blame, he rushes through the suburbs and lives are lost in that way. A few minutes behind time, and a few minutes earlier at your journey's end ought to be a small consideration compared with the loss of life. The gentlemen who have to travel across the continent to take a steamship at Halifax or somewhere else, are not the only persons deserving of our consideration; there are others who have rights and who have to be considered. I have heard it said that the Railway Commission can do this. We do not take it out of the hands of the Commission, because the Bill provides that that Board may limit the speed of trains at a crossing to any rate they deem expedient. We say, before the board can get at its work, that the trains cannot go faster than ten miles an hour. We all know that the work of the board is already congested, and if you think of the thousands of railway crossings between the Atlantic and the Pacific, you can see it would be the crack of doom before the Railway Commission could indicate the speed at each of these crossings. We are raising a finger of warning to the railway authorities, and they should be glad to accept the hint. In the meantime, trains should slow down to a moderate speed, and if that speed is dangerous, the board cannot deal with the matter too soon, and if not, this House cannot do it too soon, to adjust the use of the crossings by the railway companies. There are thousands of people who do not travel by railways, or who may not be travelling at that particular time. This Bill passed the Commons twice. That may or may not be a good reason why we should pass it, and still that reason has its weight. Two hundred members scattered all over the Dominion, have facilities for knowing the danger quite as well as we have, and if the matter is so important as to secure their support two sessions in succession, I think it is our duty, at all events, to let this Bill go to the committee and see what the objections in detail are, and see if the clause cannot be modified in the direction of safety always. In England, crossings are protected everywhere, and if we look at the statistics I think it is only one in several millions of peoples that are killed on railway crossings, and so in France and Germany. Public life

is valued there higher than it is here. In the United States there is a notorious recklessness with regard to human life. Let us not follow bad example, but rather the better example of countries that appreciate the value of human life and protect the public at the crossings, because railway crossings are a menace to life, and we should reduce that menace to the least possible minimum.

Hon. Mr. FERGUSON—I think there is a good deal of misconception with regard to this Bill. The point that has been objected to most strongly, is in the first three lines up to the word 'unless' and the closing sentence. These words belong in common to the old Act and the new, the only difference lies in the words that follow the word 'unless.' It means that no train shall be allowed to run in thickly populated places at a speed of more than ten miles an hour, unless the track is fenced—that is one of the things—or properly protected in the manner prescribed in this Act. That is another—or unless permission is given by some regulation or order of the board. That is the way it stood. The Bill proposed to change it in this way: Just after the word 'unless,' insert 'unless such crossing is properly protected.' If it was fenced without providing that it be properly fenced, but just simply the fact that it was fenced, it would then give the railway power to run at any speed they like without any requirement or it being properly fenced. Three conditions would warrant the running of the train at more than ten miles an hour. One is that the road is fenced—not even properly fenced——

Hon. Mr. CLORAN—If the road is fenced, it would not be a crossing.

Hon. Mr. FERGUSON—Or if it is properly fenced. That is another condition, or unless provision is made by some regulation or order of the board. The weakness is that any fence, whether it is efficient or not, would give the railway power to run at greater speed. The amendment is in order to get over that weakness, 'unless such crossing is properly protected,' or unless such crossing is constructed and therefore duly maintained in accordance with the orders, regulations and direction of the Railway Committee of the Privy Council and of the Board of Railway Commissioners. There are two conditions under this Bill: one is that the crossing shall be properly protected, and the other is that it shall be maintained in accordance with the regulations of the Privy Council and the Board. It is just to get over the weakness of the old law wherein it might be claimed that if it were fenced, no matter whether the fence were efficient or not, it would enable the railway to run.

Hon. Mr. WOOD—The old Railway Act provides that the fence shall be four feet six inches high.

Hon. Mr. CLORAN—Not at the crossings.

Hon. Mr. WOOD—Unless it is fenced according to the provisions of the Act.

Hon. Mr. FERGUSON—Properly protected in the manner prescribed by the Act.

Hon. Mr. WOOD—Fences of a minimum height of four feet six inches, section 199.

Hon. Mr. FERGUSON—It is possible that the Act is not as weak as it would appear by reading it without taking other clauses, but the hon. gentleman will observe that the only difference in the old Act and the new is with regard to these very words that the conditions called for under the new is that unless such crossing is properly protected or unless such crossing is properly constructed, and duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council, &c. A gentleman very closely conversant with railway law may be better informed on this matter than I am, but the fact is that this Bill was, in the House of Commons, referred to a select committee of seven members, that the railway representatives were heard before that committee, and if I am correctly informed —I received the information and I think it is correct—the result was that this Bill was unanimously recommended, and that the representatives of the railway were satisfied with the Bill as it passed through the House of Commons. The provisions which are in this Bill were agreed to by the committee, subsequently endorsed by the Minister of Railways and accepted by the House. At any rate it seems to me that, coming to us after the great care that has been taken with respect to it, if we do not send the Bill to a Committee of the Whole

we ought to send it to the Railway Committee where we could hear reasons pro and con. To my mind it is only apparently making the protection for the public a little better, and, having received the support it has, I think we should read the Bill a second time. Any other course would be a wrong course to pursue. If it is found that the proposed change in the Act is very drastic and unreasonable, then the railway men should be heard, and those who support the Bill should also be heard, and we would know more clearly what we are doing. But I do not think there is any necessity for that course. I feel like supporting the Bill right through. I see no necessity for that reference, but other hon. gentlemen do not see it as I do, and, therefore, we might allow it to go to committee.

Hon. Mr. McSWEENEY—In the city of Moncton, we have about eight level crossings, two of which are protected by having a man at each crossing. There are six of them without any guards and I am satisfied if this amendment is passed it will be an excellent thing. Why we have not killed dozens of people at those crossings is something people cannot understand.

Hon. Mr. LANDRY—That is a government railway—a slow coach.

Hon. Mr. McSWEENEY—As the hon. gentleman from Prince Edward Island just remarked, the Minister of Railways is perfectly satisfied with this amendment, and I think we should pass it.

Hon. Mr. POWER—I do not think the fact that the Minister of Railways is perfectly satisfied with the measure is a sufficient reason why the Senate should pass it. No doubt that fact will carry a great deal of weight with members of this House; still it would not be a decisive argument. I hope the House will adopt the suggestion of the hon. gentleman form Marshfield, and, after this Bill has been read a second time, let it be referred to the Committee on Railways. There parties on both sides can be heard, which is not the case with the Committee of the Whole.

Hon. Mr. PERLEY—Yes; I am quite willing. I do not think the difference between this Bill and the law as it exists now is a very marked one. It may be that the Railway Committee can improve the Bill so that it can be more effective when it goes into operation than it would be if it became law in its present form.

Hon. Mr. SULLIVAN—One fact seems to be lost sight of in the discussion between the learned lawyers. Of course, I place great confidence in the hon. gentleman from Portage la Prairie on general subjects, but I do not attach much importance to him in matters of law, and he has undertaken to give us the law on this question. This is not a matter of law at all; this is a matter of humanity. It diminishes the number of lives which are sacrificed to the railway monster every year, and why should not men fight for such an amendment? Why should a man hesitate? I would not have voted against that Bill last year had I understood it would save one life. Gentlemen talk about speed, and say that you can kill a man with a train going ten miles an hour as well as with one running twenty. That is all nonsense. If a railway is not going faster than you ride on horseback, the people passing these crossings are not in as much danger. What is the danger of the automobile? Why is it so destructive? It is on account of the speed at which it is run, and every effort has been made to limit the speed by legislation. Therefore, this limitation from twenty or thirty miles an hour down to ten will limit the destruction of life to a fraction of the number now killed at crossings. If twenty men are killed by a train going twenty miles an hour, there would not be more than ten killed if the rate were ten miles an hour. I do not think it makes any difference whether it takes the responsibility from the Railway Commission. Is this a measure in the interest of human life? What is the objection to it? I do not see that there is any particular objection, political or otherwise; therefore, I shall vote for it on the ground that it is in the direction of the protection of the lives of the people. There are a great many dangerous crossings around Kingston, and if they can be limited in that way, it will be a step in the right direction. I quite appreciate the arguments used by the hon. gentleman from Calgary; they are very strong. But this is like the bridge at Yonge Street, in Toronto; while they are fighting about

it a great many lives will be lost, which would be saved by the passage of this Bill. While the Railway Commission and the government or this House are fighting about it, there will be no improvement made, and I strongly support anything which will tend to have a good effect in the direction of improvement. High speed in any instance is bad. I bound myself to a certain extent to vote for this Bill, because, relying on the honesty, honour and rectitude of the hon. senator from Wolseley, I consented to second the motion. If I had gone slowly and reflected, I might have been able to change my mind; but, having committed myself to the measure, I shall never regret this vote, because I do not care whether it is political or otherwise, it is intended for the good of the people and, if passed, will accomplish a great deal of good.

Hon. Mr. PERLEY—I am quite satisfied to let this Bill go before the Railway Committee, where all the parties concerned may be heard.

Hon. Mr. WILSON—I have listened very patiently to the arguments of different speakers and have been very much impressed with the views expressed by the hon. senator from Middlesex (Hon. Mr. Ross). It is my desire that things should be so adjusted as to do as little harm as possible to any interest. There is constant reference to the danger to human life in the cities. My experience has been that there is greater danger to people in the rural sections. We want to secure the greatest good for every interest, if possible. The railroad must run at a sufficient speed to reach its destination in proper time. If we limit the speed at unprotected crossings to ten miles an hour, we shall be doing an injustice to the travelling public, and to the people generally. We are spending millions every year to increase the speed of transportation, and every facility should be offered to the travelling public to lose as little time as possible in travelling from one point to another. As I have already said, the greatest danger to human life from these level, unprotected crossings is not in the cities, towns and villages, but in the country where farmers driving from one point to another have to cross the tracks. In St. Thomas, we have rapid trains passing frequently through thickly populated localities—trains running between Chicago and New York—and we seldom hear of an accident in the city, while accidents are of frequent occurrence in the townships both east and west of St. Thomas. We ought to be careful not only to protect human life but to consider the interests of the railway companies and transportation. I therefore feel that it would not be well to send this Bill to the Railway Committee. Many senators are not members of that committee. If it is to go to any committee, let it go to a Committee of the Whole House where we will all have an opportunity to express our views on the subject. I shall vote against the Bill being sent to the Railway Committee, but am in favour of giving it the second reading and then let it be considered in a Committee of the Whole House.

Hon. Mr. CLORAN—That is the proper way.

Hon. Mr. PERLEY—This Bill is of very great importance to the people of Canada, but, in my judgment, it does not go quite far enough. I have felt every time I have travelled on a railway train that trains pass through towns at too high a speed. All the accidents in our part of the country have been caused by trains running at high speed, running into other trains on sidings. Such an accident occurred at the town of Luther, while the Governor General and his party were there. A train ran into another train on the siding, and four persons were killed. I am not particularly interested in this Bill. It has been placed in my name because I asked to have it reinstated on the order paper when the senator in charge of it neglected to do so. I should like to refer it to the Railway Committee, where all parties can be heard, and then it can be reported to the House and dealt with.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. PERLEY moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. WILSON—This is a public Bill and should go to a Committee of the Whole House.

Hon. Mr. De BOUCHERVILLE—The Bill might be reported from the Committee on

Railways and then referred to a Committee of the Whole House. That would meet the objection of the hon. member.

Hon. Mr. CLORAN—With that understanding, it would be all right.

Hon. Mr. WILSON—Unless there is notice, so that the rules may be suspended, it cannot go to the Railway Committee directly from the House except by unanimous consent.

Hon. Mr. FERGUSON—There was an understanding before the second reading of the Bill that it would go to the Committee on Railways, and it would be only right and proper to keep faith with the House.

Hon. Mr. LOUGHEED—Last year it went to the Railway Committee, and not to a Committee of the Whole House.

Hon. Mr. MITCHELL—I hope the Bill will be killed, whether it goes to the Railway Committee or a Committee of the Whole House. It would strike a very severe blow at the railway companies of this country, and also at the travelling public. In the province in which I live, we have a crossing every mile or two, and, if this regulation were in force, it would be impossible to run the trains at all.

Hon. Mr. LANDRY—Bourinot says that it is becoming a very frequent practice to send very important Bills requiring inquiry to a select committee, before referring them to a Committee of the Whole.

The motion was agreed to.

## GOLD AND SILVER MARKING ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (UU) An Act to amend the Gold and Silver Marking Act.

(In the Committee.)

Hon. Mr. LOUGHEED—Before my hon. friend from Beamsville (Hon. Mr. Gibson) proceeds to make an explanation, I would ask if this is not practically the clause that was proposed to be inserted in the Act as it now stands on the statute-book when it was introduced by the promoters? I remember a clause somewhat of this character being discussed in committee, and I think that the committee rejected it.

Hon. Mr. de BOUCHERVILLE.

Hon. Mr. GIBSON—These words were in the original Bill. It was sent to a special committee of the House in order that it might be intelligently dealt with and parties on both sides might be heard. Representations were made by a committee of two or three gentlemen from Toronto, who had charge of the Bill, and some opposition was offered; but they got very little consideration—I do not mean to say it disrespectfully—from the committee, because it was felt that those who supported the Bill furnished the best arguments. It was felt, at that time, that when the Bill was brought into the House it was wide enough in its scope to admit of the importation of British hall marked goods. The committee in their wisdom, however, decided that the standard should be 10 karat gold. Since that time, gentlemen interested in importing English made goods asked for the ruling of the Minister of Justice as to whether it was meant by the passing of this Act that British hall marked goods could be imported, and the Minister of Justice, through the member who made the application, said he thought it could be done. Those gentlemen who were interested in the importation of the goods wished to have the written opinion of the Minister of Justice, and, when he looked closely into the matter, he found that under the provisions of the present Act English 9k hall marked goods cannot be imported. I am sure none of us desire directly or indirectly to legislate for the benefit of the United States as against the United Kingdom. I am assured by those who are in the trade, that British hall marked goods are equal in standard to the 10 karat hall marked goods of the United States. In other words, the 9 karat standard of English hall mark, will stand 9½ karat test, while the 10 karat gold of the United States will only stand a 9½ karat test. The Act which is now in the Consolidated Statutes, will go into force on the 13th of July, and, if this amendment is not made, the result will be that not one dollar's worth of British hall marked goods will be admitted into Canada. No one wishes for such a condition of things. The member from Hamilton was waited upon by those who are largely interested in the importation and manufacture of jewellery, and they came before the government and

proposed an amendment to the Act. I may say that when the matter was submitted to the Minister of Justice, he made the proposition which is embodied in the Bill before the House, so as to put it beyond the possibility of a doubt that English hall marked goods of 9 karat may be imported. We were told in the committee that only a very small proportion of English goods of 9 karat standard were imported into the country. I am assured by those in the trade, representing large concerns in Montreal, London and Hamilton, that that is not the case, and that 9 karat gold is the only low standard made in Great Britain. The next highest is 15 and 18 karat gold. Those who promoted the law as it stands were asking too much when they proposed to force the British manfacturers to change their standard to 10 karats. They have been making goods for generations at the present standard, and it would be singular if we should admit into this country 10 karat gold from the United States, which is of the same actual value as British 9 karat gold, which we are asked to prohibit. I have here a letter from the Minister of Justice with respect to this Bill, which I shall read to the House. It is as follows :

Ottawa, October 30, 1906.

My dear Mr. Zimmerman,—I have your letter of the 26th instant, inclosing Mr. Levy's letter to you of the previous day, and I have looked into the provisions of the Gold and Silver Marking Act, passed last session.

I think, as this statute is now worded, that the importation of English gold less than ten karats in fineness is prohibited. I do not think this could have been intended, and apparently the result has been caused by changes made in the language of the Act, while it was before parliament without the effect being noticed.

In the Bill as introduced in the Senate the intention was plainly expressed to exclude articles of a fineness less than ten karats, even though they might bear the hall mark of Great Britain or Ireland. It is evident that this intention was not approved. The introduction into section 8 of the Act, as it now stands, of the reference to articles of gold less than ten karats in fineness shows this ; but to admit such articles, section 8 ought to have read that the provisions of section 4 'and of section 6' of this Act should not apply to articles of gold less than ten karats in fineness.

The effect of the Act, as it now stands, is, under section 6, to prevent the importation into Canada, or the sale, of any article of gold less than ten karats in fineness, even though it is officially hall marked.

I presume this is a result which was not intended, and if I am right in this view, I think the only thing to be done is to amend the Act during the coming session. It is, however, a matter in regard to which I have no practical knowledge, and I shall therefore be glad if you would make careful inquiry, so that we may know exactly what, in the general interests, ought to be done in the matter.

I remain,
Yours faithfully,
A. B. AYLESWORTH.

Hon. Mr. SULLIVAN—Do I understand the hon. gentleman to say that those who supported the measure last year are in favour of this measure ? Does Mr. McNaught favour it ?

Hon. Mr. GIBSON—Mr. McNaught wrote a letter to Mr. Fielding, and I may say, though he is not in favour of the Bill, he states that so far as he is concerned he has no objection to the importation of English made goods, because they do not amount to more than 2 per cent of the whole importation. I have under my hand, and will read to the House later, the testimony of men who are in the trade. Mr. McNaught is not in the trade. They claim that it was distinctly understood at the time that the admission of 9 karet hall marked goods from Great Britain would not be prevented by the passage of the Bill of last year.

Hon. Mr. SULLIVAN—I only mention Mr. McNaught's name because it occurred to me. I do not mean his views.

Hon. Mr. GIBSON—I will read Mr. McNaught's letter to Mr. Fielding, and the House can judge of the merits of the change that the gentlemen engaged in the trade in London, Montreal, Hamilton and other places wish to have made. All they ask is that the embargo, which is to go into effect on the 13th of July next, against British hall marked goods shall be lifted. The letter is as follows :—

THE AMERICAN WATCH CASE COMPANY,
OF TORONTO, LIMITED.

Toronto, January 29, 1907.

Honourable W. S. Fielding,
Ottawa, Ont.

Dear Mr. Fielding,—On my return to town this morning I found your esteemed favour of the 18th instant, on my desk, which will account for my not having replied sooner.

In regard to the representation made by Mr. Levy concerning 9 karat English hall marked goods, I may say that no arrangement was ever arrived at by the committee to recommend the manufacture or importation of gold goods less than 10 karat in quality. The matter was discussed several times in the commit-

tee and while there were some of the members in favour of admitting 9 karat English hall marked goods the great majority thought it only fair to make the minimum standard 10 karat.

This matter was threshed out thoroughly before the committee of the Senate and it was admitted there by the importers representing their side of the question that the importation of 9 karat English jewellery was a very small item indeed and would not exceed 2 per cent of the jewellery imported into the Dominion.

As representing the manufacturers I stated to the committee that from an expert's standpoint 9 karat gold was too low a quality to keep its colour in actual wear. Nearly all of the 9 karat hall marked jewellery manufactured in England is gilded with fine gold, which makes it look like 15 or 18 karat coloured gold. When worn, however, the gilding wears off and leaves the 9 karat gold showing through reddish brown or copper coloured.

I produced to the committee the testimony of the secretary of the Goldsmiths Company of England, in which he stated that when an attempt is made to have 9 karat goods hall marked it was strongly opposed by the London jewellers, but was finally admitted to suit the cheap trade of Birmingham and export trade. London jewellers do not use it, however, as they think that anything less than 10 karat is not fit for jewellery manufacturing. Our advice to the committee, therefore, as experts was that 10 karat gold was the lowest quality which would stand the test of actual wear, and for that reason it had been adopted throughout both Canada and the United States and had been the standard here for many years.

We explained, however, that if the committee thought it wise we had no objection from a commercial standpoint to allow the importation of 9 karat hall marked jewellery, as it did not cut any figure in the trade and its admission would not affect the manufacturers materially.

The committee discussed the matter at considerable length and by an almost unanimous vote decided that in the interest of the Canadian public it was advisable to leave the 10 karat minimum as recommended by our committee, and in this I think they acted wisely.

In summing up this whole matter I might say that personally I have no interest in this matter whatever, as 9 karat gold is not used in our business by any case makers in Canada or the United States. I do think, however, that in the public interest it would be a serious mistake to lower the standard to 9 karat. The injustice claimed to be done to the English manufacturer has but little foundation because if the Canadian trade is worth anything they can easily adapt themselves to the conditions, and manufacture 10 karat goods for this market, as the great bulk of the goods imported into Canada are made to order anyway.

From conversations I have had recently with leading members of the jewellery trade of the United States I find that they regard our Stamping Act as a model and so much superior to their own that they propose to try and have theirs amended to bring it into line with ours.

I think it would be wise also to allow the Act as it stands to operate for at least a year in order to find out any defects in its working, and then if amendments were necessary they could all be made at the one time.

Trusting this will find you well, believe me, with best wishes.

Yours sincerely,

(Sgd.) W. K. McNAUGHT.

Now here is the whole crux of this question : to give this matter a trial for another year, and during that time to strangle the importers of British goods. I think it is only fair, as I have read the letter of Mr. McNaught, that I should read the letter from those interested in the opposite direction. This is also addressed to Mr. Fielding, and was written within the last two weeks. It is a reply practically to Mr. McNaught's letter of January last. It is as follows :—

THE RUSSELL HOUSE.

Ottawa, Canada.

Hon. W. S. Fielding,

Ottawa, Ont.

Dear Sir,—Through the kindness of Mr. A. Zimmerman, M.P., I have had placed in my hands a copy of letter written to you by Mr. W. K. McNaught, under date of January 29, 1907. In this letter there are several items which I believe can be enlarged upon and construed differently.

In the first place Mr. McNaught was I believe the chairman of a committee of three to frame a draft stamping Act, and present same to the jewellers section of the Canadian Manufacturers Association.

Several meetings of this section were held and after much discussion at different times a draft Act was agreed upon. It was I believe at the final meeting of this jewellers section that I prevailed upon the members of the association to recommend that 9 karat hall marked jewellery of English manufacture and bearing the English government stamp be specially mentioned, and be excepted from the Act, and admitted into Canada.

Our firm were particularly interested in this, as we have imported these goods for over a period of forty years, and have a clientele amongst the very best jewellers of this country for goods of this description.

When the writer left the meeting in question, he had no other idea but that the vote of the meeting would be carried out by the committee in charge of the draft Bill. Through some error or omission the Bill as we expected in all good faith it would be, was not passed in accordance to proviso we had stipulated for. Had we had the slightest idea of this we would have been personally represented at Ottawa, and laid our case before the government.

Even after the Bill had received the Royal assent we were under the impression that 9 karat hall marked jewellery was excepted especially under the Act.

On hearing of doubts whether the Act as drawn permitted this, we asked for an opinion from Mr. Aylesworth, and he at first expressed himself that these goods could be imported under the Act.

The writer was at this time in Europe on a purchasing trip, and on receipt of a cable

giving Mr. Aylesworth's opinion, proceeded and ordered goods in question, for Christmas, 1907, and for delivery after the Act became law.

Later on going carefully into the Act Mr. Aylesworth came to the conclusion that 9 karat hall marked jewellery could not be imported as per his letter annexed dated October 30.

Before I was in receipt of this altered condition of affairs my arrangements for 1907 were all made, and could not be altered.

I believe you will agree with the hon. Sir, that if it had not been the intention to make especial provision for hall marked jewellery in the original draft Act, there never would have been any necesssity for mentioning same in the Act at all.

Mr. McNaught in his letter states plainly that there were members in favour of same but mixes up his committee of three, and the whole jewellers section.

In regard to matter in question being only 2 per cent of jewellery imported, I have not at my disposal the statistics but would say judging from figures supplied by Mr. P. B. Ball the Canadian commercial agent to Birmingham in a letter written October 17, 1906, to the Birmingham 'Daily Post' that it is about 10 per cent.

Now even taking Mr. McNaught's figures as being correct, which under the circumstances they do not appear to be, it is entirely unfair to take the whole imports of jewellery into consideration.

There are different classifications of jewellery as follows, gold jewellery of all qualities, gold filled jewellery, rolled plate jewellery, plated jewellery, silver jewellery and cheap jewellery of all kinds for millinery and dry goods trade.

Until recent years no gold-filled or rolled plate jewellery of any kind was manufactured in Canada and the entire importation of same came principally from the United States.

England, I wish to impress upon you here, does not manufacture rolled plate jewellery at all. The rolled plate jewellery imports into Canada are very large, and if same and sterling silver and electroplated ware were deducted from the totals of American imports of jewellery and the gold jewellery alone imported from the United States compared with the gold jewellery imported from England the discrepancy in the figures would not be so unfavourable to the mother country.

I might further state here that in the jewellery trade fashions change and that at present older styles are in demand, and this demand will make the English imports play more of a factor.

One line that England excels in is gold bracelets, and as bracelets latterly owing to short sleeves have become fashionable, the English article has become a necessity and in consequence of similar conditions will take in the future a new lease of life.

McNaught further states that from an expert's point of view, 9 karat gold is too low a standard to keep its colour. In this we take exception, and we are sure that if such were the case the English and colonial jewellers would not sell goods of this quality, nor would the English government countenance anything by their official government mark if it were not to the public's interests.

Mr. McNaught states that 9 karat gold gilded will not keep its colour. This we admit, but state in addition that the proposed standard of 10 karat or even 11, 12 and 13 karat gold gilded will not keep the gilding.

The lowest quality of gold that can be acid coloured and retain its colour is 14 karat.

However, 9 karat gold must not be gilded and a large percentage of importations are in bright polished instead of coloured.

In reply to the testimony of the secretary of the Goldsmiths Company of England, I have no knowledge of this position or relation to the English trade. In the west and London shops they naturally handle a better grade of goods, having a finer class of trade in the nobility and wealthy middle classes of England. In the provincial cities and towns of Great Britain it is different, as well as in Canada.

In our country our jewellers carry goods of all grades to satisfy a more varied demand.

Mr. McNaught states in his letter that if the committee thought it wise they had no objection from a commercial standpoint to allow the importation of 9 karat hall marked jewellery, as it did not cut any figure in the trade, and its admission would not affect the manufacturers materially.

Now this, however, cuts some figure to us, and also to other importers, both wholesale and retail. Both of the latter class made an effort in the fall to have 9 karat hall marked jewellery admitted.

Particularly might this be said of some cities like Halifax, Nova Scotia, and Victoria, and British Columbia, which are very English in their tastes and demand English goods and the English hall mark as a guarantee of quality.

Now to come to the technical question of gold. According to the Act as passed, 9½ karat gold in some cases can be stamped as 10 karat.

In England to have 9 karat stamped by the government it must be full 9 karat, and in consequence goods are made of a higher quality so as to be sure to assay 9 karat including solder.

So at the most the difference in quality between English 9 karat and Canadian 10 karat will in some cases be only one-quarter to one-half cent at most. A karat of gold on the quality basis is figured by the trade at four cents a karat per pennyweight. That is to say, one pennyweight of 18 karat gold is worth 72 cents; 10 karat, 40 cents, and 9 karat, 36 cents.

The majority of articles manufactured would not weight over 2 pennyweights, or a total difference in total value in the article considering that there would be a ½ karat difference in quality would be four cents in actual value to the purchaser on his purchase.

We might state here we are in full accord and always were with the general principles of the Bill and of making the standard of Canadian manufacturers 10 karat as they have hitherto professed to make.

The various recognized English standards are 9 karat, 15 karat and 18 karat.

The English manufacturers are not in a position to produce goods of a quality different to above and on inquiring of them to make for me goods of a special 10 karat quality they said it would be very difficult, and in fact almost impossible.

I wish to state here that the Act as at present is a hardship on the mother country under

these circumstances, and unfair to her as regards the United States, and also a hardship to a portion of the trade, wholesale and retail, who will want and have been in the habit of using English goods.

In regards to Canada Stamp Act being considered in the United States as a model Act we might say that owing to the prohibitive tariff of 60 per cent on jewellery in force in the United States makes it impossible for England to export any jewellery at all to the United States and so this clause which we pray to have amended does not enter into the question of the American Act at all.

In regard to Mr. McNaught's suggestion that the government let the Act as it stands go into operation for a year and see any defects and then remedy them we do not think this suggestion is good.

The Act has not yet gone into force and no great inconvenience has been caused to any one but ourselves. If the Act goes into force as it is for a year it will be a great hardship to all importers, and mean a great loss of revenue to the government.

We suggest amending it before it goes into force and then see how it will work and then importers will know where they stand.

I trust I have not gone too deeply into this matter and wasted too much of your very valuable time, but I am certain by giving this your careful consideration you will see that we are asking nothing unreasonable and I am sure the Canadian trade will endorse, and appreciate your favourable action. If necessary and time would permit, I could get a large number of retailers and wholesalers to corroborate my statements.

If there is any further information you would wish I would be delighted to present same to you. Trusting to hear from you favourably which I assure you would be greatly appreciated.

Believe me, dear sir,
Sincerly yours,
THE LEVY BROS CO., Ltd.
ADOLPH S. LEVY.

I may say that, in addition to the Levy Brothers of Hamilton, there are other importers also who take the same ground. They are H. and A. Saunders, the Goldsmith Stock Company, Knox Gunther, T. H. Lee and Son Company, Limited, Thos. Marshall, William Allen of London, and Jas. Pitt of Montreal. These are the parties that are represented before the Banking Committee, and one of them said, 'If it had not been for Senator Gibson things would have been different.' Every member of the committee will admit that I believed in the sincerity of these men at the time. I fought for them as much as I could, believing, as I honestly did that we were improving the trade in Canada by raising the standard to a ten karat mark, that we were doing so in the best interest of Canada. Since I have had the information I now possess from the men who asked me to present this case before you for your favourable consideration, I have no hesitation in saying that I think it would be very unwise on our part to prohibit the importation of the hall marked ware, which is marked by the government—and every one who is familiar with the high character of the gentlemen who have the execution of the government trust in the way of hall marking the goods, will admit that we are making a great mistake in admitting from the United States ten karat goods that are not superior to nine karat English hall marked goods, in that way discriminating against the mother country in favour of the States.

Hon. Mr. SCOTT—I do not know whether there are any hon. senators present who were on the committee who gave probably a month's attention to this Bill during last session. If there are, I think they will bear me out in saying that no Bill was more carefully or thoroughly considered than the Bill referring to gold and silver markings. We have had communications from Halifax in the east and Vancouver in the west. We had at the time a very considerable diversity of opinion, and this particular question which the hon. gentleman from Lincoln has brought before us about lowering the standard to the nine karat in Canada, was thoroughly discussed and I venture to say that nine-tenths of those present, representing the gold and silver trade were in favour of the higher standard. It was also discussed by the committee in the House of Commons. This Bill was only introduced on March 13. Now we propose to change a law that has the approval, I venture to say, of 90 per cent of the gold and silver trade of Canada; we propose to change it without giving those who are interested an opportunity of making any observations upon the amendments we are now considering, and I do not think that seems proper or right. This law was not to go into operation for a year. It is not in operation yet; but I think the true policy would be to allow the Act to go into operation for a year, and then ascertain its effect on the trade. In any case, it seems very extraordinary that persons who were consulted generally throughout Canada in regard to the law were not to

be consulted with regard to this change, more particularly where there was such a direct expression of opinion with reference to this very point. In the committee room gold chains were produced, and I remember the parties saying, 'This is only nine karat and will not wear more than twelve or fifteen months,' and so on. We had an illustration between the nine karat and the higher standard, and it does seem to me rather inconsistent that when parliament gave such close attention to it, not only in this chamber but in the other that we should now be asked to reverse our decision. I have been taking a very prominent part in this matter. Having had charge of the Bill, I was invited down to the House of Commons when they had it in committee there, and the whole subject was threshed out in the House of Commons committee; yet we are now asked to make a material and important change in the Bill? It does not seem to me quite consistent with the policy that ought to prevail. There ought to be some finality about it. We ought to have some experience that evil consequences would flow from not keeping up the standard as far as English goods were concerned. I think the letter read from Mr. McNaught was very clear and decided against any such proposition as this amendment proposes. The evidence was that a very small proportion of nine karat jewellery came into Canada, either 2 per cent or 3 per cent. It did not seem to affect it very much, but the feeling amongst the trade was that a higher standard ought to be kept up. Gold was becoming more abundant every year, and that was another reason urged for keeping up the standard. Why should Canada not have as high a standard as any other country? It was admitted in the correspondence I have just listened to, that in England, nine karat gold was scarcely ever used, but was unloaded on other countries.

Hon. Mr. GIBSON—No.

Hon. Mr. SCOTT—He said not more than two per cent.

Hon. Mr. GIBSON—That is McNaught's statement, but the other statement was that it was ten per cent.

Hon. Mr. SCOTT—This Bill was only introduced on the 12th of March last, and certainly the trade have not had an opportunity of expressing an opinion on it. I was in the other chamber when the Bill was called, otherwise I should have asked to allow it to stand until I consulted my colleagues. Mr. Fielding had been out of town for several days and only returned to-day, and therefore I had no opportunity of discussing it with him, and he had no opportunity of considering it. The Bill certainly cannot receive my support.

Hon. Mr. LOUGHEED—Is this Bill promoted at the instance of the association? My hon. friend will remember that the original Act was promoted by the association of dealers, and seemed to be the unanimous view of their various conferences. Or is it simply from isolated dealers?

Hon. Mr. GIBSON—I will give the answer as it was handed to me, that when these men met together for the purpose of discussing the Gold and Silver Hall Marking Act in the association—the Manufacturers' Association—they had different guilds and different branches of the several trades, and it was distinctly understood in the trade and by the trade that nine karat hall marked goods were to be in the Bill; and when McNaught and three or four others came down here they changed that in the original Bill to ten karat, and the committee accepted their statement as being in accord with the wishes of the whole trade of Canada.

Hon. Mr. LOUGHEED—Who applies for this Bill?

Hon. Mr. GIBSON—Those who applied were——

Hon. Mr. POWER—This is exceedingly irregular; I think we should have some order.

Hon. Mr. GIBSON—I am trying to answer.

Hon. Mr. POWER—There will be another opportunity. There seems to be some misapprehension with respect to this measure. I think there was more done last year than the hon. Secretary of State or the hon. gentleman from Lincoln think. If hon. gentlemen will look at section 8 of chapter 90, they will find that section 8 provides that certain marks are allowed

on gold and silverware. It says that it shall not be lawful to sell or import, or attempt to import, into Canada any article composed in whole or in part of gold or silver except the articles mentioned in so and so. There is the provision. Subsection 2 of that section says:

> The provision of this section shall not apply to any article in gold less than 10 karat in fineness, or of silver or of any alloy of gold or silver which is applied.

I direct attention to the fact that the words are exactly the same as in the Bill before us.

> (a) Any hall mark lawfully supplied according to the laws of the United Kingdom of Great Britain and Ireland; or
> (b) Any mark indicating the quality of the gold and applied by the government of any foreign country; and if with respect to such article all the other provisions of this Act have been complied with.

The language there is identical with the language in the Bill which the hon. gentleman has introduced. The policy of parliament has been laid down in section 8 of this Act, but in section 11 there are provisions with respect to penalties, and, owing to some oversight, this provision exempting the goods which I have just read to you from the penalties has not been inserted in section 11 of the Act, and the only object of the Bill which is now before us is to carry out the policy of that chapter of the revised statutes and to exempt these goods from the penalties. They are already exempted from the requirements of section 8. I hold that to refuse to pass this Bill would be a breach of faith on the part of parliament; and, further, I hold that inasmuch as the goods to be affected by our refusal would be goods which are imported from the mother country; that we are adopting a policy which is inconsistent with the general policy of this Dominion, and I trust the committee will see their way to doing what I regard as an act of justice, and atoning for an oversight which occurred last year.

Hon. Mr. SULLIVAN—Is it the jewellery trade which is looking for this change?

Hon. Mr. SCOTT—Very few of the trade know anything about it. I do not suppose one per cent.

Hon. Mr. POWER—The fact that a gentleman, of whom the Secretary of State speaks, having sent a long letter to the Minister of Finance, goes to show that he, at any rate, has been notified; but this Bill, as I take it, is simply carrying out the understanding which was arrived at last year.

It being six o'clock, the committee rose for recess.

## After Recess.

The House resumed in Committee of the Whole, consideration of Bill (UU) An Act to amend the Gold and Silver Marking Act.

(In the Committee.)

Hon. Mr. FERGUSON—I feel as the Hon. Secretary of State does with regard to this Bill. It was a subject to which we gave a great deal of earnest consideration last year, and we had representations made to us by all the interests involved, and very intelligent representatives they were. The parties were very reasonable and agreed on all the features of the Bill, excepting two, if my recollection serves me right. One was with regard to the 9 karat gold and the other turned on the very much more important point, the stamping of the quality on plated goods to show the proportion of precious metals they contained. This amendment does not touch that broad feature of the Bill at all, but if I understand it—and I confess I have not had time to look very closely into it—it is to give 9 karat gold the same standing as 10 karat or higher quality is given under the present Act. Now, I remember the arguments that were addressed to us last year on this subject, and I think there was an admission on the part of both those who were against and those who favoured this legislation, in regard to the quality of gold, that a 9 karat gold was not satisfactory, that it discoloured; but the contention was based entirely on the ground that in Great Britain the 9 karat gold was manufactured and largely traded in and that some difficulties might occur in our trade if orders could not be filled for 9 karat goods. On the other hand, it was said that if we made the standard 10 karat, as we ought to do, our trade with England would ultimately conform to that standard, and there would be no difficulty in future, and that last view seemed to be the one that prevailed

with the committee and the Bill went through without any very serious difference of opinion. It may be right to make this change. My hon. friend in charge of this Bill was one of the warmest supporters of the Bill of last year, and it may be that many others who were strenuous supporters of the Act now on the statute-book would change their opinion now if they had an opportunity; although it is quite possible that they are strenuously of the same opinion they held last year. It would seem to me that in one year from the time we took this very grave action we should not change our views unless all parties came before us again. It may be that those most interested are very influential people and yet have not been even notified. This is not a private Bill and does not call for notification, and they may not be aware of the change that it is proposed to be made in the law. On this account, I think we should find some way of changing our mode of procedure with it, and in place of dealing with the Bill in this committtee, should send it to the Committee on Banking and Commerce where it was sent last year and serve notice on the parties involved, so that we could ascertain if the change meets with their approval, and whether we can satisfy ourselves that it is also in the interest of the people of Canada.

Hon. Mr. LOUGHEED.—For the purpose of information, I should like to understand from the hon. senator from Lincoln what his explanation would be with reference to the absence of a minimum standard as is evidenced by the proposed amendment? My recollection of the clause dealing with English importations last year is this: It was then proposed that the minimum should be nine karats. My hon. friend will observe that in his Bill there is no such limitation. It may be very well to say that the minimum adopted by England should be nine karats, but it will be observed that the greatest latitude is practically allowed to foreign countries to adopt a lower hall mark. Consequently, section 11 of the Act, while imposing upon a Canadian manufacturer a minimum of ten karats, would permit the foreign manufacturer to export to this country an article of very much less fineness than is imposed upon the Canadian manufacturer. If my hon. friend will look at section 11 of chapter 90, of the Revised Statutes, he will observe the application of this amendment to the existing law. While I should be very loath indeed to be a party to the passage of any legislation which would prevent the English manufacturer from shipping his products to this country, yet the amendment goes very much farther and permits the widest latitude to foreign exporters to ship to this country gold products stamped less than nine karats. It seems to me, therefore, that the passage of this Bill without our having further expert knowledge on it, would be very dangerous, and, in fact would so emasculate the present Act as to render it valueless.

Hon. Mr. GIBSON—When this Bill was before the committee, it was pointed out by the gentlemen who were in the trade that in France, Germany and elsewhere on the continent, there is no gold manufactured less than eighteen karats. In England the lowest grade of jewellery is nine karats, and for that very reason the nine karat gold of England was to be admitted under the first arrangement, and the standard of other countries was to be ten karats. It would be asking a little too much of the English manufacturers who have had their standards for ages, to change them for the sake of the people of the United States. Foreigners could not import gold manufactures in any form unless hall marked ten or more karats. The whole object of the Act, if I understood it aright, was to secure a standard of quality, and the English standard of nine karats of gold was the lowest made. With respect to the colouring of gold, as I pointed out, no quality under fifteen karats standard can be coloured successfully. You can colour nine karat gold, but the colouring will wear off. The people who are more largely interested in this matter point out that if this law goes into force on the 13th of July, you paralyze the whole import trade of Canada in this class of jewellery, and simply allow the American Watch Manufacturing Company to send into Canada watch cases of 10 karats. I have pointed out that the ten karat standard of the United States is really only nine and a half, while the English standard of nine karats must be over nine to receive the hall mark. We should not be very much concerned about what comes in from the

United States, so long as we keep their standard up to ten karats gold, but if we are going to follow out the doctrines we have been inculcating for some years back; if we are to give any preference at all it ought to be to the mother country. It is not a question of duty; it is simply a question of prohibiting entirely the importation of nine karat gold.

Hon. Mr. SCOTT—It is exceedingly difficult to get at the meaning of this matter. The revisers in going over the statute seem to have changed it materially. There is one very curious point about it. Section 4 of the Act, as it was originally passed, provides that it shall not be lawful to sell, import or attempt to import into Canada, any articles of gold of less than ten karats. Section 8 would lead one to think that an exception was made in favour of imports from Great Britain. To me it is rather mysterious. They have rather muddled it in the revised statutes by changing the paragraphs, and I really have not had an opportunity myself of consulting them.

Hon. Mr. LOUGHEED—It is quite manifest from the Act that the primary object of this legislation was to prevent not only the importation but the manufacture and sale in Canada of articles of gold of a spurious character, and the whole policy of the Act was to confine the minimum to 10 karats. That was the starting point. While it is stated that the practice of the English manufacturer is to make an article of 9 karats yet there is nothing to prevent a hall mark being adopted by foreign manufacturers of a much less finenes than 9 karats. If my hon. friend will look at his Bill he will find under paragraph 2 the following: 'Any mark indicating the quality of the gold and applied by the government of any foreign country.' Now is it logical, is it reasonable that we should throw upon the Canadian manufacturer the obligation of confining him to the manufacture of articles of gold of 10 karats in fineness, if we permit foreign traders to import into Canada hall marked goods of less fineness than 10 karats.

Hon. Mr. JONES—Does the hon. gentleman say that is the law?

Hon. Mr. LOUGHEED—That is the law. If my hon. friend will look at the Act he will find that it is a contravention of the Act for any Canadian manufacturer to manufacture, import or sell any article in gold that is marked of less fineness than 10 karats.

Hon. Mr. YOUNG—Marked.

Hon. Mr. WATSON—Is the hall mark attached to any article of gold lower than 9 karats?

Hon. Mr. LOUGHEED—We cannot tell that.

Hon. Mr. KERR—That is the law there.

Hon. Mr. LOUGHEED—Let me demonstrate what I mean. You impose upon the Canadian manufacturer the obligation of producing articles of gold of not less than 10 karats fineness. That is to say, he cannot stamp an article as gold except it contains at least 10 karats. This Bill proposes that foreign articles of gold, hall marked less than 10 karats, may be imported. My hon. friend from Toronto shakes his head; but if he will look at the Bill he will find that clause 1 and 2 provide as I say.

Hon. Mr. POWER—If my hon. friend will look at section 8 of chapter 90 of the revised statutes, he will find exactly the same language used there.

Hon. Mr. LOUGHEED—That is a different matter. That is to say you shall mark it with the alloy.

Hon. Mr. POWER—It is just the same thing.

Hon. Mr. LOUGHEED—If an article contains less than 10 karats, the amount of the alloy must be marked on the article. The section dealing with the subject is section 11, and it proposes to amend it so as to admit as gold any articles bearing the hall mark of a foreign country whatever that may be. There is no restraint or limitation, no minimum; consequently I say that any foreign country can for the purpose of increasing the exportation to Canada adopt a hall mark of less than 9 karats and export those articles to Canada and thus undersell the Canadian manufacturer who is bound to adopt a minimum fineness of 10 karats. I quite agree with the hon. gentleman from Marshfield, that this Bill should not be passed without giving the representatives of the Canadian industries in the precious metals the opportunity of appearing before

the committee and explaining the technical difficulties which must necessarily enter into manufactures such as we are now dealing with.

Hon. Mr. SCOTT—I have received to-day a letter from Mr. McNaught in which he refers to that very point.

Toronto, March 18, 1907.

Hon. R. W. Scott,
Ottawa, Ont.

Dear Mr. Scott,—I have your esteemed favour of the 16th instant inclosing copy of the Bill to amend the Gold and Silver Marking Act.

From a hurried glance over the Bill I presume that the intention is to allow the importation of 9 karat gold goods if stamped with the hall mark of Great Britain or the government mark of any foreign country.

This I would consider eminently unfair inasmuch as it will allow the manufacturers of foreign countries to send in 9 karat gold jewellery into Canada while the Canadian manufacturer is prohibited from making anything less than 10 karat. It is evident that this discrimination will work to the disadvantage of the Canadian manufacturer, and is unfair upon the face of it.

In addition to this I think it is very much against the public interest to allow the manufacture or importation of gold jewellery of a lower quality than 10 karat for the reason advanced last year before the Senate committee. I understand from good authority that English manufacturers are now preparing to conform to the Canadian Stamping Act as it was passed last year, and manufacture 10 karat gold goods for this market. This they can readily do without much trouble to themselves and I am sure that it would be of great advantage to this country in the long run to have an honest standard of quality.

I inclose you herewith a copy of a letter I sent to the Hon. Mr. Fielding on January 26, which deals with this matter at some length and set forth my view fully in regard to it.

I might say in conclusion that I have several letters this morning from leading manufacturers of jewellery in the United States in which they say that they are endeavoring to get an amendment to the Vreeland Gold and Silver Stamping Act passed last session by the United States congress, to makes it conform with our Act, as they consider we have the best Stamping Act in the world at the present time.

Thanking you for your kindness in this matter believe me with best wishes.

Yours sincerely,

W. K. McNAUGHT.

P.S.—I forgot to say that I have requests from several manufacturers on the other side for copies of the Bill which was passed by the Canadian parliament last year. Could I impose upon your good nature by asking you to have your department send me ten copies of the Gold and Silver Marking Act, of 1906, at their convenience, for which please accept my thanks.

Hon. Mr. SULLIVAN—The impression left on my mind from the Act of last year was this: that the 9 karat gold of Great Britain deteriorated to such an extent that it was not advisable to import it, and that was the sole reason. The question was not about its value, but after a while the gold would wear off and the jewellery would become worthless. It was on that account it was thought desirable that it should be kept out of the country.

Hon. Mr. KERR—This Bill is only seeking to do what was intended to be done last session when the matter was before the committee of the House. One whole day was spent on this Bill.

Hon. Mr. FERGUSON—There were two meetings.

Hon. Mr. KERR—When the subject came up before the committee, a number of members appealed for time to consider it. They said that while the members of the trade might understand it, they did not. We were told that if we did not understand it others did, and they passed the Bill. The hon. Secretary of State said there was no harm in going on with the Bill because it would not go into force until twelve months after it was proclaimed, and in the meantime there would be another session of the House and any defects in the Bill could be remedied. The argument against that was that when the Act goes into force it stops trade, and that should only be done on lines it was intended to follow permanently. One of the lines that it was not intended to stop was in hall marked gold, and when that question was put to the committee it was answered at once that such importations were not prevented. We were referred to clause 8 of the Bill as it then stood, and which is now subsection 2 of section 8 of the revised Act. Look for a moment at what the legislation really is, and we will see that this Bill is absolutely necessary to make the law, as we passed it, consistent. Section 8 provides that it shall not be lawful to make, sell, import or attempt to import into Canada any article composed in whole or part of gold or silver or any alloy of gold or silver except the articles mentioned in section 10 of the Act, if to such article is applied any mark other than those specified. Now, that would have prevented English hall marked goods from coming in.

Hon. Mr. LOUGHEED—No.

Hon. Mr. KERR—It would, if it stood by itself. Then came in section 8, which is now subsection 2 of the revised Act, which provides that the provision of the section shall not apply to any article of gold of less than 10 karats in fineness, to which is applied the hall mark of England; so that you see sections 4 and 8 of the Act, as it was passed, expressed the intention to exclude the importation into Canada of articles of gold under a certain standard, unless it was English hall marked. But the fault was this; if you turn to section 11 of the old Act, you will find there that no other mark shall be attached to such articles. Although by section 8 and subsection 2 of that section, it is lawful to import English hall marked goods of quality of less than 10 karats, yet when you come to section 11 the penalties were inflicted. Athough it is lawful to import it, there is a penalty if you do import, and that makes it necessary to amend section 11. Although section 11 permits the importation, section 10 makes it an indictable offence to import into Canada any articles marked less than 10 karats in fineness. This amendment to subsection (a) provides that the penalty shall not apply to English hall marked goods of less than 10 karats. All it proposes is, when the law says that every one is guilty of an indictable offence who makes, sells or imports into Canada any article partly composed of gold which has applied thereto any mark indicating the gold to be less than 10 karats in fineness, that if the article so imported, has applied to it the hall mark of England, it does not come under that section. It seems perfectly clear that what some of us anticipated in passing the Act of last session, hurriedly, under pressure, has occurred. We thought there would be some omission, and we find there was this omission which we want to correct. These same gentlemen who urged the passage of the Bill hurriedly last year, are now urging that anything, whether hall marked or not, of less than 10 karats fineness, should not be admitted; but that is not what was said in committee last year.

Hon. Mr. FERGUSON—It seems to me there is a good deal of confusion from the fact that the revised statutes number the sections differently from the way they appear in the old Act. I was trying to fit the amendment in section 11 as we find it in the old Act, but we find section 11 in the Bill is section 12 in the Act as it was passed. But there is a point which my hon. friend does not seem to appreciate. Section 11 in the Act of 1903 deals with a very different subject from what is dealt with in sections 4 and 8. In 4 and 8 you are dealing with articles that are stamped of various degrees of fineness of gold and silver, and it is in regard to that that I understood the question of karat came in altogether. When you come to section 11 and, I think, section 12, they are dealing altogether with plated goods.

Hon. Mr. KERR—The old one?

Hon. Mr. FERGUSON—And I think 12 in the new, which corresponds with 11 in the revised statutes also deals with that. It is false marks on electro and silver plated ware. Up to section 12 we are dealing with articles that are sold of gold of various qualities, but still of gold. Nine karat gold is sold as gold, and it is distinguished in quality by that character; but when you come to plated goods, it may be only a veneer of gold or silver, and the article is plated and section 11 is dealing with that and that alone. Subsection (a) in clause 11 speaks altogether of marks on plated goods, &c., indicating otherwise than truly and correctly the actual fineness, &c., showing proportions of alloy and silver. These two sections seem to me to deal entirely with plated goods, and why we should attach an amendment to one of these sections dealing with the character of gold, which is dealt with altogether in sections 8 and 4, is something I cannot understand.

Hon. Mr. POWER—Section 11 of chapter 90 of the revised statutes deals with penalties, and it is not at all the section the hon. gentleman is reading from the old law; and this Bill is to amend section 11 of the revised statutes.

Hon. Mr. KERR—If the hon. gentleman will look at section 11 of the revised statutes he will see that what I say is correct.

Hon. Mr. FERGUSON—There is a different arrangement of the sections.

Hon. Mr. KERR—Entirely.

Hon. Mr. FERGUSON—I see my way out of the confusion when I come to understand that. But the main question still remains: Are we justified in making this change without giving an opportunity to those who presented the case before us last year, to be heard before the committee? This is not a private Bill otherwise proper notice would have been given. As it is a public Bill, it may be that those who hold the opposite opinion may not have been consulted. And the point has been clearly made by the hon. gentleman from Calgary, to my mind, that if we gave an opportunity to those interested to appear before us, we would then find out where the real merits lay; but it does seem to me that it would discriminate against manufacturers in our own country, that it would allow a lower standard of articles with the hall marks of foreign countries to be imported. I do not think there would be any danger that we would import anything less than nine karats from England. I understand there are only nine, fifteen and some other standard permitted under the laws of Great Britain; therefore, there would be no danger of anything lower than nine coming in from that country. We do not know what might come from other countries, but even to that extent it seems very strange that we should discriminate in favour of the manufacturers of Great Britain as against the manufacturers of Canada, and that if the amendment were made at all it should cover all articles made in Canada as well as those imported from other countries. It all goes to show that we should not legislate without a full and fair oportunity to every interest to be heard.

Hon. Mr. LOUGHEED—Notwithstanding the explanation of the hon. gentleman from Toronto, he might as well in my judgment repeal the whole Act as to pass this Bill with the broad and sweeping language in the sections to which I have already referred. As I said before—and I am reluctant to repeat it—section 8 of chapter 90 provides in general terms that you cannot stamp as gold any article of less than ten karats in fineness. That is the basic principle of this Act.

Hon. Mr. KERR—You cannot stamp it, but you can make it.

Hon. Mr. LOUGHEED—You cannot stamp it as gold if it does not contain ten karats in fineness. You can make it as much less as you like, but you must mark the alloy which is contained in it. If the article is of ten karats, you can mark it as gold, notwithstanding the alloy that may be in it.

Hon. Mr. KERR—The hon. gentleman does not mean to say you cannot make the article of gold with an alloy if you do not mark it at all?

Hon. Mr. LOUGHEED—No, but the English hall-mark as well as the foreign hall-mark is the guarantee of the article being gold, although it in no way signifies the proportion of alloy that enters into the metal. It is therefore put upon the market as pure gold, simply by the mention of its number of karats. When the English hall-mark or when the foreign hall-mark is placed upon any article, I care not whether it be less than nine karats, my hon. friend from Lincoln will observe that when you place any minimum upon the number of karats it goes forth into the market under this Act as gold, and you have not stamped upon it the proportion of alloy that enters into it. But under this Act, if you manufacture an article of less than ten karats you cannot stamp it as pure gold. You have to stamp it with the proportion of alloy which enters into the metal. That is the principle of the Act; the dividing line is that of ten karats. If you depart from that, cross the boundary and say that you can import into this country articles of less than ten karats fine, from foreign countries whatever their hall mark may determine to be the fineness or the minimum of their karats of gold, you wipe out the protection entirely that the Canadian manufacturer has and by which he is bound.

Hon. Mr. POWER—Section 8, chapter 90, does just that thing.

Hon. Mr. LOUGHEED—I beg pardon; section 8 provides that if it is less than ten karats the section does not apply to it.

Hon. Mr. POWER—That is the point.

Hon. Mr. LOUGHEED—Consequently, if the hon. gentleman will read the section, he will find that articles under the earlier part of this section are gold; that it shall

not be lawful to make, or sell, or import, or attempt to import, into Canada any article composed in whole or in part, etc., 'if to such articles there is applied any mark other than the true marks,' etc. The provisions of this Act cannot apply to any article in gold less than ten karats in fineness. That is to say, if an article is above ten karats of fineness it is admitted into this country and goes forth into this market as passable under this Act if there is any mark upon it which is the trade-mark or design of any country. That is to say, if the English hall-mark is placed upon an article or product into which there has entered ten karats of gold, it passes under this section.

Hon. Mr. POWER—Or not less than that. Read subsection 2.

Hon. Mr. LOUGHEED—The provisions of this Act shall not apply to any article less than ten karats, or to silver, or any alloy of gold or silver, to which is applied any hall-mark, and so on.

Hon. Mr. POWER—That is just the point.

Hon. Mr. LOUGHEED—I say it does not apply. In round terms, we are confined to ten karats for Canadian products. If less than ten karats, the measure of the alloy has to be stamped upon the article.

Hon. Mr. KERR—There is nothing in this Act that prohibits the making of gold of a less quality or standard than ten karats. It is the marking that is regulated. Then it is provided that it shall not be lawful to sell any article of silver except as mentioned in section 10, 'if to such article is applied any mark,' and so on. From that provision the hon. gentleman omitted to read that is the provisions of subsection 2 of the revised statutes is excepted the hall-mark of England. That being so, the articles imported which have the hall-mark of England may be so imported; but when you turn to section 11 it is declared to be a penal offence to import goods so marked, because those words of exception are not given. That is all you are doing by this law.

Hon. Mr. JONES—It seems evident that some amendment ought to be made to this Bill, because we ourselves do not seem to understand what it means. We ought to make it so that he who reads ought to understand it. Certainly it was the expectation of the committee of the House last year that ten karat gold would be the minimum standard either imported into or made in Canada.

Hon. Mr. KERR—That is not this law.

Hon. Mr. LOUGHEED—Yes, it is.

Hon. Mr. JONES—That may be. I did not say it was this law. I say that was in my opinion the intention of the committee and of the House, that ten karat gold stamped gold would be the minimum limit that would come into Canada or would be permitted to be made in Canada and stamped as gold. To my mind it is scarcely worth while discussing whether eight karat gold can come in under another mark or not, because I anticipate no one would put eight karats of gold into any alloy and bring it in, because he could not sell it and get his money. It would go without saying that it was cheap, and the value would not be in it. It is the hall mark that makes the value. I was one of those who felt last year that the House ought to have made the British standard the Canadian standard and I am of that opinion still. I cannot see for the life of me why this House a year ago decided that the United States standard should be the Canadian standard. Certain gentlemen appeared before the committee, who were seized of the knowledge in detail of of what we were discussing and understood what effect the proposed law would have on the business, and when hon. gentlemen endeavoured to point out that the English manufacturers would be at a disadvantage with the United States manufacturers, the answer came, especially from Mr. McNaught, if I remember, 'the British will adapt themselves to the condition for the sake of the business,' if they want the business. He thought it was a simple thing. I do not agree with that. I do not think it is a simple thing to change their standard. The letter read by the hon. leader of the House from Mr. McNaught indicates that also. In another letter Mr. McNaught indicates that only two per cent of this class of jewellery imported into Canada is sold to us by English makers. Can any one conceive that it would pay the English makers, having models prepared

to make the standards, with all the processes, nine, fifteen and eighteen, and having no other, for the business they would get in Canada, to change the whole process of their factories in order to make certain specialties that they might be able to sell in Canada? I say that that fact alone means that the only chance the English manufacturers have of competing with foreign manufactures in this market with hall marked goods is that they must sell to our purchasers 15 karat hall marked goods against 10 karat hall marked goods from other countries. That, of course, is impracticable, and so the business from Great Britain with Canada must of necessity be practically lost. If through the long series of years that makers in Great Britain have been in this business, and admittedly they are past masters in the art in that class of goods—their standards are sufficient for Great Britain, they ought to be now sufficient for Canadians, and my humble opinion is that the majority of Canadians would rather pay their $25 for a similar article hall marked nine karat from England than to take the chances on ten karat goods from the United States or any other foreign country.

Hon. Mr. SULLIVAN—No, they would not.

Hon. Mr. JONES—It would be their preference, and a long series of years in the purchase of this class of goods indicates that they would have better value for their money. The difference between the nine karat full and the ten karat scant that has been spoken of here can be no wide difference, and the colour should not enter into the consideration of it to any considerable extent, but the barrier that is put upon the trade of our country is, to my mind, an unnecessary barrier, and ought to be removed. If we are to give the British people an opportunity to compete with other countries, the law should be so changed, if need be, as to put Canadian makers on that basis also. In other words the change in this Bill should be such that the minimum standard made in Canada or imported into Canada should be nine instead of ten. I hope the House will see its way to making that change, and making a standard that will induce Canadians to buy from English manufacturers or from their own people rather than be forced into a foreign country to make their purchases. I do not know the rules of the House as intimately as many hon. gentlemen, but I do think it would be in the best interests of the people if this Bill were sent to the Committee on Banking and Commerce in order to give the traders of Quebec, Montreal, Toronto, Hamilton, and London notice that we are going to consider it on such a date as would be convenient, giving them time to come here, so as to get all the information we can, and, upon that further information, let the House decide what ought to be done with this important matter.

Hon. Mr. SULLIVAN—The law of last year was effective. There is no flaw in it, yet some hon. gentlemen want to change the standard from ten to nine. Why not change the figure ten to nine if it is desirable, and the whole thing is accomplished. This legal disquisition is all Greek to me, and the more it is discussed the more we are befogged. I know very well, as the hon. gentleman has said, it was stated last year that the British nine karat fine would not wear, that when it was worn a little while it deteriorated to such an extent in appearance that it could not be sold. That is the reason why the standard was not lowered. There was no intention to discriminate against British goods—none whatever. It was simply that the trade put forward that theory, and it was put in to please them.

Hon. Mr. GIBSON—I must say that I am not sufficiently versed in the legal phraseology of the statute, and I appeal to the good judgment of this House. For fifty years nine karat hall mark English goods have been imported into Canada, but by an Act of parliament, assisted by the people of the United States, we have raised the standard to ten karats. I am glad to hear the hon. gentleman from Kingston say that by one fell swoop we can make the ten karats into nine and thus get over the difficulty. I want to point out to the House that the individual maker of gold in England, Scotland or Ireland does not stamp the quality of the gold upon his goods at all. They are sent to England, to Goldsmiths' Hall, and there the standard of the gold is applied and stamped by law, and it is sent out lawfully to every country in the world. It represents exactly the standard as marked upon every link of every chain

which every hon. gentleman in this House wears. For fifty or sixty years we have been importing these goods, yet people come here and say it is not in the interest of the Canadian jeweller and why? Neither the United States manufacturer nor the Canadian manufacturer is obliged to stamp his goods; at all events if he stamps his goods he is not obliged to submit them to Goldsmith's Hall to be tested as to whether they are such as he stamps them or not. Even the English papers and the Canadian representative in Great Britain took the part of the Canadian government in respect to this, and said that they did not believe that the Canadian government by this Act of parliament meant in any way to exclude English-made goods. The whole question now is simply down to this: Are we, the Senate of the Dominion of Canada, to raise the standard of England by one karat for the very purpose of destroying the trade between the mother country and ourselves? I have under my hand facts in connection with the trade which I could read to hon. gentlemen, but I do not want to weary the House. It is simply, as stated to-day, that what we are trying to force through this House this afternoon without amendment is legislation in the interest of the United States as against the interest of Canada. This Bill is not the only Bill that comes before this House that can be amended in committee, and I accept the proposition of my hon. friend from Kingston, to make the standard 9 karats instead of 10 karats, and that would remove all the trouble. We want to cultivate the trade with Great Britain. We sell our wheat to her and we want to buy all we can from her. We are not concerned about the United States. The people who came here as a committee of two or three were not sent directly by the trade, but they assumed the responsibility of changing this Bill which was originally for a standard of 9 karats in order that English manufactured goods might come in under it, and they had it changed to 10 not at the instance of Canadian manufacturers but to keep out British-made goods.

Hon. Mr. POWER—I hope the hon. gentleman will not carry out the intention which he has just expressed, because you have to go over the whole Act as it stands in the Revised Statutes and alter several sections to make the proposed change. There are several sections the wording in which will have to be changed from 10 to 9. The Bill before us is all right. It will carry out the intention.

Hon. Mr. LOUGHEED—I have not objected to the 9 karats suggestion. I am willing to vote for the 9 karat minimum. But I am not willing to vote for the foreign hall mark to indicate what is the minimum fineness. But if the mover will adopt the suggestion of the hon. gentleman from Kingston, I am willing to support it.

Hon. Mr. FERGUSON—In that case, there would require to be two changes, in section 8 and section 11.

Hon. Mr. GIBSON—I would ask my hon. friend, the leader of the opposition, one question: Suposing we dropped the second section of the clause altogether and say, 'The hall mark shall apply according to the laws of Great Britain and Ireland' and then stop. I have no objection to striking out the other part.

Hon. Mr. LOUGHEED—I will support that.

Hon. Mr. JONES—If that change is made, what position will it put the Canadian maker in? Will that take care of him and reduce his standard to nine? If not I would not support that. I would like to see it made to suit the English standard, but we are not going to allow the Canadian maker to be placed at a disadvantage.

Hon. Mr. POWER—When this Act was passed last year, parliament knew the English minimum was nine, and we fixed our minimum at ten. Why should we change that figure here? Because there is a slight amendment?

Hon. Mr. WATSON—The argument was advanced that we should not place the Canadian manufacturer at a disadvantage. I entirely agree with that. The argument advanced was that because you prevent the English hall mark being brought in at nine karat, they would have to compete with their fifteen karat, the only karat they can sell in this country against our number ten, surely you are not going to give the English

manufactured goods an advantage over the Canadian manufactured goods? I have no doubt the Canadian manufacturers, when they came here a year ago and got this Act passed, did so believing it would keep out the English nine karat standard.

Hon. Mr. SCOTT—That was quite the understanding.

Hon. Mr. WATSON—Evidently that was their intention.

Hon. Mr. SULLIVAN—But they gave their reason for it.

Hon. Mr. KERR—Let us get away from the idea that this is going to change the standard of manufacture here or elsewhere. It is not going to do anything of the kind. This Bill does not aim at manufacturing only up to a standard of 10 karat. What this law provides is, that we cannot mark gold or pure gold or warranted gold unless it be of a certain standard.

Hon. Mr. LOUGHEED—Certainly we are only dealing with marking.

Hon. Mr. KERR—The English manufacturer is at no disadvantage about the matter as compared with any one else. If the article is nine, or above nine, he need not mark it at all. He can sell it for what it will bring. But, if he marks it at all, it must be the true mark.

Hon. Mr. JONES—If the suggestion that has been made that the figure ten be changed to nine throughout the Act, be carried out, will Canadian makers be able to stamp their goods gold when they make them nine karats?

Hon. Mr. LOUGHEED—Not under this Bill.

Hon. Mr. KERR—They will not be able to mark them gold, but they will be able to mark them nine karats?

Hon. Mr. LOUGHEED—No.

Hon. Mr. JONES—As the law stands today, if a Canadian manufacturer makes a piece of jewellery ten karats fine, he is entitled to mark that solid gold.

Hon. Mr. KERR—No. Would the hon. gentleman allow me to read the section. The foundation of the whole business :—

It shall not be lawful to make or sell or to import or attempt to import any article composed in any part of gold or silver.

Except plated goods, if to such article there is applied any mark other than the fine mark so that he cannot see if there is a mark other than such as are named here; but if there is no mark on it, he can sell it.

Hon. Mr. FERGUSON—But not as gold.

Hon. Mr. SULLIVAN—Yes, if he gets anybody to buy it.

Hon. Mr. KERR—He can sell it as gold. He can say here is gold. If he puts the true mark on it he can sell it as of the standard marked.

Hon. Mr. SULLIVAN— You are ripping up the present law. The idea of this Bill, as I understand it, is not to interfere with the Act as passed ; but to admit nine karat gold. You are making an amendment to the Act of last year, and why should we touch it? If you wish to lower the ten karats standard to nine, why not do it instead of fumbling around and ripping up the Act of last year. You will have confusion worse confounded.

Hon. Mr. GIBSON—To test the feeling of the House, I will move the following as an amendment :—

Provided that it shall not be an offence under paragraph (a) of this section if the article made or sold or imported or attempted to be imported, being of gold less than nine karats in fineness, has applied to it——

Then strike out paragraph two.

Hon. Mr. POWER—That will not meet the case, because there are other sections which mention ten karats.

Hon. Mr. GIBSON—The word ten can be changed.

Hon. Mr. POWER—This is a Bill which proposes to amend one section, and if the hon. gentleman is going to recast his Bill and bring in something different, he had better move that the committee rise, and bring in a new Bill.

Hon. Mr. LOUGHEED—May I suggest to the hon. gentleman from Lincoln that he prepare an amendment to strike out the figure ten where it occurs in certain sections. and insert the figure nine. It was quite manifest that our object is to reduce the standard from ten to nine.

Hon. Mr. POWER—No.

Hon. Mr. GIBSON—The lawyers of the House do not seem to agree amongst themselves. I was quite willing to adopt the suggestion of the leader of the opposition. I think the standard in Great Britain should be a good enough standard for Canada.

Hon. Mr. POWER—I move that we report progress.

Hon. Mr. GIBSON—I object to that.

Hon. Mr. SCOTT—I thought the suggestion to refer this Bill to a committee for further consideration was a good one. It is quite evident that we cannot prepare an amendment to such an important Bill here. It is absurd.

Hon. Mr. GIBSON—I move the adoption of the clause. I withdraw my former motion.

Hon. Mr. POWER—I move that the committee rise and report progress.

The committee divided on the motion to adopt the first clause.

The clause was adopted.

Hon. Mr. BAIRD, from the committee, reported the Bill without amendment.

## BILLS INTRODUCED.

Bill (72) An Act respecting the Canadian Northern Ontario Railway Company.—(Hon. Mr. Jones.)

Bill (82) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Mr. Gibson.)

Bill (88) An Act to incorporate the Ontario and Quebec Railway Company.—(Hon. Mr. Young.)

Bill (91) An Act respecting the St. Maurice Valley Railway Company.—(Hon. Mr. Legris.)

## FRENCH VERSIONS OF BILLS.

The SPEAKER—I want to draw the attention of the Senate to the fact that we have not received the French versions of some of these Bills. We had a discussion this afternoon on the delay in the translation of Bills into French. Here are three or four Bills that have come from the House without the French translation, and I am told that sometimes the French version does not come from the House of Commons until three or four days after we receive the English version, and that explains the difficulty we were in this afternoon.

Hon. Mr. LOUGHEED—It seems to me that the officers of this Chamber should see when the Bills are sent to this House that they are accompanied by the French versions. It only necessitates my repeating what I said this afternoon, that to say for a moment that the business of this Chamber must be suspended on account of the absence of the French translation is to at once admit the absolute helplessness of parliament. It seems an insult to this House to say that between the two Houses, and the officers of the two Houses, we are not equal to having a French translation printed concurrently with the English translation——

Hon. Mr. POWER—It never has been done.

Hon. Mr. LOUGHEED—It should be done, and it only calls attention to an abuse of which we are all heartily sick. I again appeal to the leader of the House, and say that the officials either of this House or of the Commons should be made chargeable with bringing down the French translation in sufficient time to enable parliament to proceed with the public business.

Hon. Mr. SCOTT—I am not aware that in the other Chamber a single exception has been taken to a Bill not being printed in French. The French translators are under the control of the House of Commons and not of the government.

Hon. Mr. LOUGHEED—The fact of a Bill being brought up to this Chamber is evidence that the French translation has been completed.

Hon. Mr. CASGRAIN—No.

Hon. Mr. LOUGHEED—That Bill must have been translated in the House of Commons. What is there to prevent us using the same translation that has been used in the House of Commons, and which must necessarily be the translation adopted on the presentation of the Bill to this House?

Hon. Mr. POWER—The hon. gentleman is complaining bitterly of a condition of

things which has existed ever since the union of the colonies.

Hon. Mr. LOUGHEED—That is a reason why the difficulty should be dealt with.

Hon. Mr. POWER—No doubt the hon. gentleman is very vigorous and energetic, but I doubt if he will succeed in affecting a change that none of his predecessors have been able to accomplish. Looking back over my own experience in the Senate, I must say that until very recently it was not the practice in this House to hold up an important measure simply because the Bill had not been printed in French. All the hon. members of this House can read the English language and understand it. It is very well once in a while, if you wish to assert the rights of the French language, to raise the question, but to do it continually, as it is done here now, is an indefensible practice, and a practice which never was indulged in until comparatively recent years.

Hon. Mr. GIBSON—It is humiliating to an hon. member of this House when he asks for the second reading of a Bill to be told that it cannot be read because it has not been printed in the French language. I quite agree with the hon. leader of the opposition, that this House should be furnished with the French as well as with the English edition of every Bill, and then no member could be challenged when he rises in good faith to move the second reading, and have the business of the House postponed. If it were not that the objection is a valid one, we would never hear about it; but we have to submit to it. Why not have the Bills printed in both languages and brought here together? Let a Bill stand and not be brought before the House until both versions are ready.

Hon. Mr. MITCHELL—I do not think the leader of this House has given a reasonable excuse when he says he is doing what his predecessors have done. We should have some good reason why the French version is not furnished in time.

The SPEAKER—There is perhaps a remedy: When a Bill is received from the Commons it might be delayed until the French version is supplied; but perhaps the remedy would be worse than the disease.

Hon. Mr. FERGUSON—I do not think the remedy would be worse than the disease. In special cases, towards the close of the session the House could rescind any regulations of that kind, and we would be rid of this nagging to which we are subjected now every time a member rises to move the second reading of a Bill which is not printed in French. If a rule such as has been suggested were adopted, on very important occasions it could be dispensed with and we could proceed without the French; but, it would prevent this question coming up continually.

Hon. Mr. WATSON—Occasionally Bills are passed in this House without being printed in French. The hon. member from Stadacona is not always in his seat.

The Senate adjourned until to-morrow at Three o'clock.

## SENATE.

OTTAWA, Wednesday, March 20, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### TORONTO YONGE STREET BRIDGE BILL.

WITHDRAWN.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, reported that the promoters of Bill (RR) An Act respecting the city of Toronto Yonge Street Bridge, had asked leave to withdraw the Bill, and the committee reported recommending that the request be granted, and that the fees paid by the promoters of the Bill be refunded, less the cost of printing. He moved that the House concur in the report.

Hon. Mr. LANDRY—Would it not be more regular, after the report is adopted by the House, to give notice that a motion will be made following out the recommendation of the report? I think that is the proper way.

Hon. Mr. CASGRAIN—There would have to be a motion to concur.

The motion was agreed to.

Hon. Mr. CASGRAIN—I now give notice that I will move——

Hon. Mr. POWER—How can the hon. gentleman do that? The House has already adopted the recommendations of the report.

Hon. Mr. LANDRY—When a report of a committee recommends the changing of the quorum, we make a motion for such a change. When the report asks that new members be placed upon the committee, the names are given and a motion is made to that effect. That is a subsequent action. The action of the committee, and of the House are altogether different, and although the House may adopt the report it is not what we may call a formal report, and for that reason its conclusions should not be unduly pressed upon us.

Hon. Mr. CASGRAIN—The House concurs in the recommendations, but there must be an order of the Senate authorizing the clerk to return the money.

Hon. Mr. POWER—The Senate has just made that order. The committee had recommended that a certain course be adopted and the Senate has concurred in the report. That settles it; there is nothing more to be done. If the committee had stated certain facts in their report, and had not recommended a line of action, then it would be open to the House to take what action they saw fit; but having adopted a report which recommended a certain line of action, the House cannot do anything more.

The SPEAKER—My impression just now—and I would not like to give it as my opinion—is that there would be no need for a second motion on the report, but I will consider the question, and if a further motion is necessary I will so report to the House.

## PER CAPITA ALLOWANCE TO PRINCE EDWARD ISLAND.

### MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency may cause to be laid on the Table of the House all correspondence between the government of Canada, or any department thereof, and the government of Prince Edward Island, in 1901 or 1902, respecting the per capita allowance payable to that province, as provided for in the British North America Act, and how the said allowance should be computed on the population of that province, as ascertained by the census of 1901.

Hon. Mr. SCOTT—There is no objection to the address.

The motion was agreed to.

## INDUSTRIAL DISPUTES INVESTIGATION.

### BILL INTRODUCED.

A message was read from the House of Commons with Bill (36) An Act to aid in the prevention and settlement of strikes and lockouts in mines and industries connected with public utilities.

The Bill was read the first time.

Hon. Mr. SCOTT—From the expression of opinion across the floor to-day, I think it best to move the second reading for to-morrow. I therefore move the suspension of rule 23 for that purpose.

Hon. Mr. POWER—It is only four o'clock now, and I do not gather from the expressions we have heard that there is any strong feeling of hostility on the other side of the House to proceeding with the measure, and it is only necessary to suspend the rules and read it the second time to-day.

Hon. Mr. FERGUSON—Surely not to-day. Hon. members cannot be expected to enter into the consideration of this Bill without having seen it up to this moment?

Hon. Mr. SCOTT—Two copies of the Bill as amended in the committee of the House of Commons have been distributed. I went to the distribution office myself and inquired if they were sure that two copies had been distributed. And they replied yes, in fact three copies have been distributed, one as the Bill appeared originally, and two as amended in committee. The changes made after that were only two or three small amendments, and the House is in possession of the Bill as amended. No amendments were made at the third reading.

Hon. Sir MACKENZIE BOWELL—Instructions may have been given to distribute the Bill, but I cannot find any one who has seen it.

Hon. Mr. FERGUSON—I find it is here; but we never proceed with the second reading of a Bill without having had time to study it.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (116) An Act to amend the Interpretation Act.—(Hon. Mr. Scott.)

Bill (69) An Act respecting the Quebec Oriental Railway Company.—(Hon. Mr. Tessier.)

## GOLD AND SILVER MARKING ACT AMENDMENT BILL.

### THIRD READING.

Hon. Mr. GIBSON moved the third reading of Bill (UU) An Act to amend the Gold and Silver Marking Act.

Hon. Mr. LOUGHEED—Before the third reading, I would again point out to my hon. friend that the Bill certainly does not effect the purposes which he has in view. I regard the passage of this Bill as practically emasculating the legislation of last session. It does away absolutely with the minimum of karats which should enter into gold products, and unquestionably handicaps the Canadian manufacturer. If this Bill goes through, he will be compelled to adopt the 10 karats standard, while the importer of foreign goods may place on our market any article covered by this legislation regardless of the number of karats that may be in it, so long as it has the hall mark of any foreign country stamped on it. I point out that fact as a protest against the passage of this legislation. The hon. gentleman could have effected his purpose by amending the present Act, simply striking out 10 and inserting 9. I am sorry he did not accept the suggestion made last night. I am positive had that been done it would have been satisfactory to all the Canadian manufacturers as well as to importers.

Hon. Mr. SCOTT—I do not propose to offer any further opposition on the Bill. I expressed my views pretty strongly last night upon it; but I think it is just as well the information that I now desire to give the House should be generally known. I understood that the object of the Bill was to favour trade with Great Britain. I do not think it is going to have that effect at all, but just the reverse. At the time the tariff was altered, giving the preference to Great Britain of 33⅓ per cent, the jewellery imported into Canada from Great Britain was only $34,000 in value, while that from the United States was $279,000. With the advantage of jewellery from foreign countries being taxed at 35 per cent, and from Great Britain at 22½, the trade with the British manufacturers was small. In 1906 it had only risen from Great Britain to $92,000, while from the United States it had risen to $693,000. The total purchases from Great Britain of jewellery are less than one-tenth, with all the advantages of the preference rate. The total importations of jewellery were $952,000, of which $92,000 only came from England, a little less than one-tenth.

Hon. Mr. McSWEENEY—What is the tariff on jewellery from Great Britain?

Hon. Mr. SCOTT—Twenty-two and one-half per cent, and other countries thirty-five. Notwithstanding the preference the trade has gone on increasing with the United States, and under this Bill will increase in greater ratio, because under this legislation which gives the advantage to all countries where a gold mark has been established, it will give to the United States just as great a benefit as to England, and as the purchases are in far greater ratio from the United States than from Great Britain, it is manifest that we are giving a preference to the United States. I have not looked at the mark they have in Germany, whether 9 or 10 karats, but we imported last year from Germany $62,000 worth of jewellery, in the face of all the obstacles to their trade. It is therefore quite clear that the amount of jewellery purchased in the British market is insignificant compared with the general trade of the country. Under those circumstances, as I said last night, it is extremely unfortunate that this Bill should have been forced through this Chamber——

Hon. Mr. POWER—It was not forced.

Hon. Mr. SCOTT—I think there were only 26 senators present when it was discussed and passed through the committee.

Hon. Mr. GIBSON—I was quite willing to accept the suggestion of the hon. leader

of the opposition last night, but hon. gentlemen on this side of the House urged that we should stand by the Bill as it was. I think I pointed out as clearly as I could, that the Bill was not prepared by myself. The gentleman who had previously promoted this matter appeared before the Finance Minister and was recommended to go and see the Minister of Justice with regard to it. The Minister of Finance felt that importers had made out a case sufficient to warrant his going to the Minister of Justice to get an amendment to the statute. I made that quite clear last night. I read the letter of the Minister of Justice, and there is no doubt we were all deceived in regard to the whole object of the Bill as it was drawn by the committee last session. Now if this Act remains on the statute-book without amendment, instead of the amount of gold imported as referred to by the hon. Secretary of State, from Great Britain, under this Act if it is not amended, there will never be another dollar's worth of 9 karat gold brought from Great Britain. Now with regard to the recommendation; after Great Britain has been using this 9 karat standard for 150 years the Canadian parliament on advice that was not borne out by the facts—although we all felt at the time that it was—raised the standard solely and wholly for the purpose of benefiting the importer from the United States. The Bill might well be called a Bill for the United States as against Great Britain and Ireland. We all know that in Scotland gold is manufactured into various articles for export. It is also the basis of many manufactures in England and Ireland, and what is done with it? The finished goods are sent to Goldsmith's Hall, and they are stamped by the government with the hall mark after the fineness of the quality being tested and decided upon. Do we expect to change the Goldsmith's Act of Great Britain, which has been in force for 150 years and which has worked so satisfactorily? Are we to ask the trade in Great Britain to change the standard at their factories, the Factory Act and all the laws connected therewith, simply to allow 10 karats gold hall marked watch cases to come in from the United States? Now, with respect to the Canadian manufacturers, if my hon. friend wants to draw a logical conclusion, I would put this question to him: all the Canadian manufacturer has to prove is simply this, that the English gold is only 9 karat, while the gold manufactured here is 10 karat and is worth more money, and it will then be for the purchaser to decide for himself whether he will buy the 10 karat Canadian made article, or the 9 karat English made article. It is no hardship to the Canadian manufacturer. The whole idea was to exclude Great Britain from the market, and I do not think the Senate, by its vote last night, would agree to any such proposition. I am quite satisfied that when this Bill goes before the House of Commons, if there is any amendment which can improve it it will be accepted by the gentleman who drafted it and the Finance Minister. It was was pointed out last night that I was willing to accept the recommendation of the hon. gentleman from Kingston, and make it 9 karat throughout. Legal gentlemen in the House have urged that it would destroy the whole affect of the Act as it stands on the statute-book. We had no desire to do that. All that I was anxious about was that no embargo would be placed upon the importation of British made goods, and I think, from the vote that was taken, I have the sympathy of the House. It cannot do any harm to let the Bill go to the House of Commons, and if they, in their wisdom, see fit to amend it, surely the Minister of Justice and the Minister of Finance who made the recommendation are quite competent to deal with it, and if it comes back in that shape I am sure the Senate will be willing to accept it.

Hon. Mr. SULLIVAN—The statement which has been made so emphatically by the hon. gentleman from Calgary had a great deal of weight with me, whatever effect it may have on other members of the House, not alone because of his political position, but from his eminence and great experience as a lawyer. He has made this statement, no doubt, in the interest of the country, and I suggest that he and the hon. genlteman from Lincoln should be allowed to confer together and settle this matter and defer the third reading until to-morrow.

Hon. Mr. GIBSON—I quite agree with the hon. gentleman's high opinion of the

hon. leader of the opposition, and I can say for this side of the House that we all entertain the same opinion of the hon. member. We do not dispute his ability as a lawyer, but I doubt whether he knows as much about stamping gold as he knows about stamping cattle. I might be allowed to say in passing that this is not the only Bill that has originated in the Senate and passed through the House of Commons and been reviewed, revised and agreed upon; and if I were taking this course on my own responsibility I would hesitate very much to present this Bill in any form, but the Minister of Finance, as I said a moment ago, felt that an injustice was being done to a large number of importers on account of the embargo placed upon British goods, because after the 13th day of July next no man can bring in a dollar's worth of 9 karats hall marked British goods. Supposing the importers went over to England, as they did last year, and purchased their goods, it would be all right so long as they got them in by the 13th of July, but the trade has to stock up in advance of the requirements of the country and these dealers have to go over now, or very soon, to order the goods for their business. I am sure if they went over there in June or July with the uncertainity of what this Bill was to be, and after they made their purchases learned that they could not bring them into this country it would be a very serious matter. It is not a question of duty; it is a question of keeping the British made goods out. I am astonished at my hon. friend the Secretary of State making any comparison of the amount of gold that comes in from the United States as against the quantity that comes in from Great Britain, because he must surely have in mind the large amount and the great number of gold cased watches that come in from the United States. The people of Canada, for some reason or other, can buy a United States watch, either gold or silver, that seems to stand our climate better than the English-made watch. The 9 karats goods made in England are bracelets principally; such goods are not made in the United States. Now that the ladies are wearing short sleeves they like to have bracelets. While I was in Cleveland, within the last two weeks, I was in a jewellery store and I wished to purchase a bracelet. I was told that these goods were not made in the United States, that they were made in England. There are other classes of jewellery peculiar to England, made there and not in the United States. Are we to stop the importations from Great Britain simply because through a fluke parliament raised the standard by one karat, because the question of value is not material. It has no practical value whatever, but it simply got the ear of the committee. I have to say, as the hon. gentleman from Marshfield said, that no one took a greater interest or worked harder for the passage of the Bill as it was then presented than I did. From the information I have since received from gentlemen in the trade in Montreal, London, Hamilton and other places, I feel that we would make a great mistake if the action of the trade, on the recommendation of the Minister of Finance, and consented to by the Minister of Justice, is not carried into effect.

Hon. Mr. SCOTT—The hon. gentleman should not quote the Minister of Justice as expressing an opinion on the principle of the Bill. The Minister of Justice was asked to draw a particular clause to meet particular results; that does not intimate that his judgment went with it.

Hon. Mr. FERGUSON—As my hon. friend seems to be strenuously obstructing the third reading of this Bill himself, he will permit me to say a few words. I sympathize with the leader of the House in the treatment which he is receiving in regard to this Bill, and also with regard to another measure within a few days. We have here a Bill which was introduced into the House last year and referred to in the speech with which His Excellency the Governor General closed parliament. He particularly commended parliament for passing it. It was adopted by the government at its latest stage, and was the subject of special commendation in the Governor's speech. This session we find a private member of the House introducing a very serious amendment which affects the principle of the whole legislation, and we find the hon. member from Lincoln, and others on his side of the House putting forward their views strenuously and emphati-

cally, and last evening we saw the leader of the House standing alone amongst his supporters, voting against the amendment and his supporters carrying it in spite of his protest. In all sincerity, I sympathize with the hon. gentleman in the treatment he is receiving from his supporters. It is extraordinary treatment. Agreeing with him as I do about this Bill, I think the House should pause at the third reading and reconsider the action taken and send the Bill back to the committee. If the change from ten karat to nine karat is to be made, let it be made as was suggested by the hon. senator from Kingston yesterday. That would not have emasculated the Act as this Bill as it now stands will. We should, even at this stage, reconsider the action that has been taken. However, the government does not appear to be led by any of its members in this House on these questions. Without any disrespect, it appears to me that the tail wags the dog on many occasions in the Senate. I presume it will be found to be otherwise in the lower branch of parliament. If that is the case the government may there assert itself and put the Bill in proper form. Of course we have done our duty here, and I leave my hon. friend to settle the matter with his supporters.

Hon. Sir MACKENZIE BOWELL—I was not here last night when the Bill was discussed, and I therefore ask, in whose interest was the Bill introduced? Is it in the interest of the importers or in the interest of the manufacturers? I remember distinctly that last session, when the Bill was in committee, we had a long discussion on the point to which this Bill refers. Is it a fact that if this Bill becomes law, articles of gold hall marked nine karats may be imported, while all articles of gold manufactured in Canada must be hall marked ten karats? If that be so, it will give a decided advantage to the importer over the Canadian manufacturer. Is not this Bill introduced to meet the views of those who took the very strong position before the committee last year in favour of importations from foreign countries? If so, we ought to be very careful in passing a Bill which would have that effect. I was very glad to hear the hon. Secretary of State call attention to the bad effect which follows railroading Bills through this House as has happened in the past. It is proposed to railroad other very important Bills through without giving members of the Senate sufficient time even to read them, much less to compare them with the Acts now on the statute-book relating to the same subjects, in order that they may know what effect the proposed legislation would have. The sooner the Senate lays down the principle that it will not consider any Bills without having time to digest them and ascertain exactly what their effect would be if passed, the better for the public interest.

Hon. Mr. GIBSON—The gentlemen who have asked for these changes are not only importers, but very large manufacturers. I gave their names last night.

Hon. Sir MACKENZIE BOWELL—Do I understand that this Bill is introduced at the request of the Canadian manufacturers?

Hon. Mr. GIBSON—Yes, of some of them.

Hon. Mr. McSWEENEY—Will it have the effect of increasing or decreasing importations from England?

Hon. Mr. GIBSON—It should have the effect of increasing the importation.

The motion was agreed to, and the Bill was read a third time and passed, on a division.

## CONCILIATION ACT AMENDMENT BILL.

### DEBATE CONTINUED.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. McMullen for the second reading (Bill F) An Act to amend the Conciliation Act, 1900, and the motion of the Honourable Mr. Coffey in amendment thereto, that the said Bill be not now read a second time, but that it be read this day six months.

Hon. Mr. GIBSON—I have deferred putting my views on this subject before the House on several occasions at the request of members on both sides; but I think it has been long enough on the order paper, and I shall proceed to discuss it now. The object of the measure is to bring into existence an Act to prevent the importation of labour agitators from foreign countries to intervene in disputes between

Canadian workingmen and their employers. Unfortunately, in the preparation of this Bill, my respected friend from Wellington made an error in one phrase ; if the words had been 'or British subject' instead of 'and British subject,' I think the matter would not have been criticised to the extent it has been. My hon. friend who represents the division of Victoria and the province of Quebec (Hon. Mr. Cloran) laid great stress on the wording of that clause of the Bill ; but, as I said on another occasion, no Bill that was ever submitted to parliament has been perfect in every particular, and it would be quite competent for this House to amend this Bill in committee. It might as well have been sent to a committee as any other Bill. Why it should be dealt with in the way suggested by the hon. senator from Victoria I do not know, and, perhaps, on a little reflection, he will see that he was mistaken. The position taken by the hon. junior senator from London (Hon. Mr. Coffee) was more drastic ; he moved that the Bill be given the six months' hoist. While the hon. gentleman was delivering his beautiful essay, he laid great stress on the trade to which he belongs, and at the very time he was speaking there was a resolution of the Canadian Typographical Union of Ottawa approving of the Bill. The report which I am about to read is taken from the Ottawa 'Citizen' of February 7th, which, if I remember correctly, was the very day that my hon. friend from London made his speech :

At the last regular meeting of Canadian Typographical Union No. 1, Ottawa, the McMullen Bill, which aims to prevent American labour organizers coming into Canada and taking part in strikes or negotiations with employers, now before the Senate, was under consideration, and the following resolution was unanimously carried :—

Resolved, that Canadian Typographical Union No. 1 Ottawa deplores the insult to Canadian intelligence, and the humiliating position in which the labour cause in Canada is placed by the autocratic laws and practice laid down by American international unionism, which makes it necessary to import an American to this country to direct or dictate the policy or action of Canadian unions in their negotiations with employers; that while the principle of the Bill is one to which we could ascribe we do not consider that legislation of this nature should adorn the statutes of a liberty-loving country such as Canada. We consider that the time is near when Canadian trades unionists will realize that their best interests lie in the direction of Canadian national unionism, and the concentration of all their efforts through that channel, to the betterment of their economic and industrial condition, thus leaving the American delegates with a little more time to solve the many problems which confront the American workman, with whom, if they render honest service, they can find more to do than is required of the Canadians.

Much favourable discussion took place on the Arbitration Bill of the Minister of Labour, but no official action was taken.

Hon. Mr. CLORAN—Is the hon. gentleman aware of the fact that that particular lodge is in local rebellion against unionism, and is not in good standing with the trades unions of Canada?

Hon. Mr. GIBSON—I am not, and I do not think it is, because it is called Typographical Union No. 1.

Hon. Mr. CLORAN—It is in open rebellion against trade unionism in Canada.

Hon. Mr. GIBSON—I do not blame them. Some time ago there was a Bill brought in by the respected leader of the opposition very much on the lines of this Bill, and it was condemned—condemned by whom? Condemned by some members of the Senate, who said that every senator who has a word to say in criticism of trade unionism is an enemy of labour. I want to say to those who take this view of the case that the best friends that the labour interests in Canada have are members of this House, who have spent their money in keeping their factories running year after year in times of depression in order that their workingmen might be employed. May I say also that many manufacturers in this country have built up large stocks at times when they could ill afford to do so, running their establishments at a loss, in order that their workmen might not suffer. With respect to what the hon. gentleman from Victoria says, I assert that no good workman needs to belong to a union. I have always stood by the union, believing that for certain purposes it is beneficial to the trades. Who are the men who cause a strike? Not the good workmen who can always get employment and the highest wages going ; it is the indifferent workmen who can only find employment when labour is so scarce that any kind of workman has a chance of employment. He is the man who is most violent in the union. He is the man who does not work with his hands,

but works with his mouth, and gets up an agitation and creates dissatisfaction among workers who would otherwise be quite satisfied with their position. If the union would exclude incompetent men, there would be some reason for the people of Canada respecting their organizations; but let me point out to my hon. friend that the bargain is all on one side. He is only speaking theoretically. The men who have the most sympathy with the workingmen are those who never employed workingmen in their lives.

Hon. Mr. CLORAN—I object to the statement which the hon. gentleman makes, if personal to myself. It is not correct,

Hon. Mr. GIBSON—I was not making any reference to the hon. gentleman. I will repeat what I said for fear my hon. friend may misunderstand me; I said that people who had the most sympathy with the workingmen had least to do with them. It is only the men who employ them who know the difficulties encountered in keeping them at work and preventing irresponsible men from disturbing the harmony which usually prevails between the good workman and his employer. The bargain as I say, is entirely a one sided affair. An employer of labour may make an agreement with the union for a certain length of time, agreeing upon a certain scale of wages and hours of labour. The employer is bound to carry out his part of the bargain. If times are bad, the men will be at work every day and the employer must pay the wages that he has agreed to pay. On the other hand, if times improve, the workman may not strike but he moves to another place and the result is the employer finds that those with whom he made the bargain are leaving him because wages have risen. Is not that a one sided arrangement? In my opinion trade unions ought to be incorporated by Act of parliament. They are not bodies corporate now, and the conditions are all on one side. Who are the men that the hon. senator from Wellington wishes by this Bill to keep out of the country? The walking delegates. The walking delegate belongs to the class of men I have described. He is not a good workman; he is an agitator who finds it pays better to work with his mouth than with his hands. He has to do something for his money, and he raises an agitation among the working men who have no cause to be dissatisfied with their conditions, and causes the strike. These are the men that the hon. senator from Wellington wishes to keep out of the country. There is never an opportunity given to discuss the question between the employer and his employees. The walking delegate takes that out of their hands. We had many instances of it during the construction of the Welland canal. I have seen a walking delegate go from Port Dalhousie right up to the other end of the canal, and by holding up his hands stop work everywhere. Every stonecutter in my employ was stopped in that way without any cause being assigned. Perhaps the strike was down at Port Dalhousie. Some difficulty had arisen there between an employer and his employees. The walking delegate brought on a sympathetic strike, although the men in the employ of the other contractors on the Welland canal were satisfied and were willing to go on with their work. Instead of promoting peace, this walking delegate intervened and created a strike on every section along the Welland canal.

Hon. Mr. McMILLAN—Was he from the United States?

Hon. Mr. GIBSON—Generally speaking these walking delegates are.

Hon. Mr. McMILLAN—You are speaking of one individual?

Hon. Mr. GIBSON—I am not prepared to say whether he was or not; probably he was. I am speaking of my own experience on the Welland canal. I have demonstrated my sympathy with the workingman for the last thirty-five years, so the subject is not a new one to me. Let me give an illustration or two for the benefit of the hon. senator from Victoria division. An employer is carrying on his work amicably with his men. They demand certain pay and certain hours, and the demand is conceded. Perhaps you have a sub-contractor who is not responsible to you, but is entirely responsible to the government in case the work he is doing is for the government. Your men come to you and say this sub-contractor is paying his men once a fortnight. The employer replies that he is a responsible contractor with whom he has no right to interfere. The men reply 'very well, if you will not make him pay his men once a week

we will go out on strike.' That has actually occurred in my experience. They went out and stayed out for three weeks. What happened ? The sub-contractor, who was the cause of the trouble, had not paid his men but they kept at work. At the end of three weeks I went to my men and said 'you have been fighting for a principle.' While you have been on strike these men you struck for have been working. If I were you I would go to the lodge and make a demand to be indemnified for the time and money you have spent in enforced idleness. They did so, but, as usual, there was no fund to draw from, and the strike was declared off that night at midnight. I have had a strike on my quarries at Beamsville from the 15th day of February, 1879, until the 25th of May. I gathered men in from all directions, and have had a pistol put to my head when I was bringing them into the village and driving them to my quarry. My hon. friend talks about kid gloves. I have never had any experience of that kind. A pistol put to a man's head is pretty strong evidence that there is ill-feeling between the men and the master, and not much consideration given to him. It is pretty near summary justice. I quite agree with every word that the hon. senator from St. Boniface (Hon. Mr. Bernier) has said, that this body is not the enemy of the working classes. In replying to the hon. senator from Victoria, he used the following language :

Objection is taken to the wording of the Bill. It may be that the language of the clauses could be improved, but when objection is taken to it on the ground that the president of a company could not interfere in a difficulty or between his company and its employers, I think the interpretation of my hon. friend is inaccurate. In that case, the manager would not be interfering with other people's business. It would be his own business and the consequence is he would be under the law within his right. The Bill does not contemplate anything of the kind suggested by the hon. gentleman.

My hon. friend from St. John has suggested that a feeling seems to exist in this body, unfavourable to labour. For my part I disclaim that imputation. I do not think any member of the Senate is opposed to the legitimate interests of labour. I for one, at the end of this discussion, may vote for the Bill and I do not want to be saddled with such an imputation. Such a feeling does not exist in this Senate and to my mind does not exist in the country. At the same time, we must admit that the question is very important. Different opinions in regard to the labour question may be expressed pro and con, and under the circumstances, it seems to me that the course proposed by the hon. gentleman from Wellington is worthy of careful consideration. Some of us may have ideas adverse to this Bill, but it seems to me the labouring men who have sent copies of resolutions to many of us should be given an opportunity to be heard. That is impossible before this House ; but they can be heard before the committee ; therefore let us refer the Bill to a committee where everybody will have an opportunity to express his views fully and furnish evidence in support of his contentions. Therefore, I would vote for the motion made by the hon. gentleman from Wellington.

Contrast that with the ideas of the hon. senator from London (Hon. Mr. Coffey) who wants to pander to United States sentiment. I hope the hon. members of this House are Canadians. What does the hon. gentleman say ?

There would be but a still louder and longer ringing of the tocsin of war in the industrial centres. Besides, there will not be wanting a very numerous class who will firmly hold the belief that such a step is retrogressive and ill-accords with that freedom of action, devoid of license, which is the legitimate pride of every Canadian. Furthermore, the passing of this legislation would undoubtedly ruffle the feathers of the American eagle and this were to be avoided save in cases where Canada's honour and Canada's rights are at stake. In this matter I do not think either one or the other is involved. It is of paramount importance to promote good neighbourhood between those who live on both sides of the boundary line. We have much in common—our aspirations and those of our American friends in the world's race for greatness run parallel.

All I can say to that is we want to be left alone. We have had troubles enough of our own. Every dispute in Canada should be settled by Canadians or British subjects. Canadians are as capable of settling their own trade disputes or labour troubles as people in any other country in the world. In all labour disputes in Canada, we have never had the spectacle of having to put union officials in prison for stealing the funds of the union. In the United States walking delegates have been under the pay of certain employers to keep their own men at work and create strikes for a rival industry in order to put money into their own pockets and help their greedy masters. The difficulty in the present condition of things is simply this, that if you allow the foreign delegate to interfere with our men and create strikes

it would be easy for unprincipled men to send a walking delegate here to create a strike in some competing industry and thus help the industry in the United States. These men should not be allowed to come in here. Let us see what the hon. senator from London had to say with regard to this discussion. He said:

> Are we to meet the budding Rockfellers of the great republic with smiles and open arms, and the John Mitchells with the frown and the warrant and the officer of the law? I hope the time will never come when liberty-loving Canadians will be so minded. Shame on the few who would pay unseemly and undeserved court and hommage—I might almost say worship—to the winners of the furious race for wealth.

Where was John Mitchell when the Fernie strike took place? Did he cross the line to inquire into the troubles at the mines there? No. Canadian strikes were too small for this great man, though he is paid his salary by Canadians as well as by United States unions. He sent a substitute to Canada; that is good enough for us. Let us see what he did. Sherman was the head of the union in British Columbia. He was a citizen of the United States. Men in the mines at Fernie sent their money to the United States, and none of it ever came back to Canada. The dues were raised from $2 to $6. There was a complaint against the increase, and eight of the men refused to pay any more money into the international union.

Then Sherman objected and decided that the other men who had paid their dues were working with non-union men and he called all the men out on strike, notwithstanding his own agreement in writing with the coal company that the works at Fernie were to be an open camp. The strike lasted eight weeks, with a great loss to the company as well as to the men. The British Columbia Company telegraphed to Mitchell, who sent over a Mr. Burke to settle the strike. Sherman refused to recognize Burke. Afterwards Burke and Sherman went to Minneapolis to see Mitchell, to prove to the satisfaction of Sherman that Burke was the accredited representative of Mitchell. As soon as Burke was satisfied, the strike was called off. What do we learn from this? That even the foreign head of the coal miners union of British Columbia did not take the trouble to go over personally and settle the strike, but left an important matter of this kind to a subordinate, although Mr. Mitchell was in receipt of a large income for the very purpose of settling disputes of this nature. I have a large number of letters here, supporting the Bill of the hon. gentleman from Wellington, as well as a large number of letters from different unions protesting against the Bill. I think that the hon. members of this House who have the courage to point out the proper course to be taken by the working men, are the best friends of the working classes. Those holding opposite views should not try to create a wrong impression against those who differ from them. I think every hon. gentleman in this House has as good a right to express his opinion for the union as those on the other side have a right to express their opinion against the union. The question of conducting the affairs of this country between the working classes and their employers is of too great concern to be dealt with lightly, and we should avoid the introduction of a foreign element into Canada which will in any way irritate or increase the difficulties that may at present exist, or will exist in future, between the working men and their employers. While I believe that the Bill we shall have before us to-morrow may be successful in a very large measure, I do not think it would be prudent for us to deal with the measure now before us in the way proposed by the amendment, that the Bill be read this day six months. I do not think it is fair treatment to the hon. gentleman who introduced the measure to deal with it in that way. I think the best thing that could be done would be to appoint a special committee to deal with this matter, it need not be sent to a standing committee at all, but to a special committee where both sides could be heard. I have no wish on my part to avoid discussion or stop it in any way, and I think the same treatment should be given to the employee as is given to the employer. For that reason, instead of adopting the amendment which has been offered by the hon. gentleman from London, some consideration should be given to the Bill; some recommendation might be made to the committee, that if we are to be influenced by the views of walking delegates, steps should be taken with regard to the incorporation of trades unions, because, as the matter now

stands, the employer has nothing to fall back upon. The protection is entirely a one sided one. It is a matter which does require a great deal of consideration, and, with all due respect for the amendment which has been offered to this House, I believe the Bill which my hon. friend has before us should be sent to a special committee to be dealt with upon its merits.

Hon. Mr. McHUGH—I desire to say a word or two on this question, which I consider to be a very important one. Any proposal that undertakes to regulate the relations of labour to capital must be necessarily of very great importance to the people of this country. This Bill undertakes not only to fix the conditions of labour towards capital, but to some extent the conditions of capital towards labour. Therefore I say that it is one on which the best energies of this House should be combined in order to find a solution that would be fair to both. I was pleased with some of the remarks of the hon. gentleman who has just resumed his seat. I cannot agree with him in all that he said, but when he says that those who are speaking for labour had a right to have their views respected, and he claimed the same right for those who do not believe in the same system of reaching that end, I fully agree with him. I say that every man who has honest and conscientious convictions on any question of that kind deserves to have them respected, no matter how much they may differ from mine. Now this is too large a question for me to undertake to deal with in the unprepared manner I feel that I would have to deal with it at present. There are many phases and many sides to this question. It is one which I think has puzzled some of the greatest political economists the world has ever seen. The question of the equitable distribution of the annual increment of capital to labour is, I think, one of the greatest problems ; perhaps in it is involved all the other great problems of political economy with which we have to deal. Therefore, this Chamber cannot give its time to a better cause than trying to reach a just solution of that question. As this Bill more particularly deals with what its promoters have been pleased to term the agitator or walking delegate, any remarks that I might have to make along the lines of the question dealing with capital and labour might be more relevant when the Labour Bill from the House of Commons comes before us. I shall, however, deal with the question of the agitator for a moment or two. The hon. gentleman who has just resumed his seat is very much opposed to the idea of a foreigner being brought into this country to settle strikes, or to do anything that might bring about a strike, or interfere between capital or labour. I believe that the door should be wide open to the labour organizations of this country to select officers from wherever they wish, and to invite these men in when trouble arises, and ask of them, their counsel, to enable them to bring about a proper solution of the difficulty—a solution that might be perhaps in the best interests of labour, and at the same time in the best interests of capital; because any one who can bring about a peaceful settlement of a strike is a friend of both. The agitator is not necessarily an enemy of the public peace. An agitator may be one who comes with the very best of motives, and I say that for him the door should be wide open. If any man comes into this country to incite strife or rebellion, our laws are sufficiently wide now to reach him. It is only by agitation that the progress and prosperity of this world goes on. If you were to stop agitation to-day, you would soon have in this world nothing but stagnation; therefore, agitation is necessary to carry on the relations between labour and capital just as much as it is to regulate any other great problems which are presented for the development of this country. I have not studied out any particular line of action that I should take, but on behalf of the agitator, he may be a man of peace, and because he is a resident of the United States or of Germany, or, I care not where, I want to know the motive that brings him here before I close the door, and say he shall not come in. His motive may be a good one, and if it is we should welcome him to our shores. If it is a bad motive, he can be told that. I am not opposed to strikes, because a strike may be the only means labour has sometimes of dealing with capital. If the capitalist treats his fellow-citizen in a cruel or harsh way, that man should be made to feel our cen-

sure. On the other hand, if an employer is unjust or ungenerous to his employees he should be subject to censure; but individual cases such as the hon. gentleman from Lincoln has pointed out, only go to show that, on the whole, the rule is a good one, and that these officers have done their duty fairly well. I know myself that instead of coming here to incite strikes, delegates have endeavoured to bring about a settlement and peace. The very worst thing that an officer can report when he goes back to the head office of the international union is that he was unable to settle the strike. He is very apt to lose his position because the funds of that association have to go towards keeping up the association, and supporting the strikers, and the man who wishes to hold his place is the one who will use his best efforts to settle these difficulties. I am just as much in favour of seeing capital protected. I have no fear of aggregations of capital or of so-called syndicates or trusts. I think they are all necessary for the general development of the country; at the same time an aggregation of labour has just as little terror to me as has an aggregation of capital or a trust. Labourers have just as good a right to combine and take foreign elements into the organization, if they want to, as have the capitalists to take in foreign capital. In dealing with a question of this kind we should be fair. I condemn the labourer who would say to his fellow-man, 'you must not work.' It is the right of every man to work when he wants to, and the right of any man to refuse to work when the conditions surrounding him do not suit him; but I do say in individual cases where some men refuse to allow others to fill their places—it is unfortunate that they should do that, but it has been done—the labour organizations of the country suffer more than the people whose action it is directed against. I feel that every man should be protected in the right of working when he wants to. Property should be protected at all cost, and it is the duty of the state to see that it is protected; but I do not think you are going to benefit the conditions of labour or capital by shutting out what they call the agitator. The agitator may be, as I said before, a man of peace. The man who condemns agitation, simply because it is agitation, condemns the work of the missionary fathers. He goes even further than that, and condemns the very first principles of Christianity even, to condemn a foreign missionary or a foreign agitator. The unions should be allowed to select their officers from wherever they please and from amongst whom they please, and I have the names of several Canadians who are officers of the international union, and who are called upon from month to month and year to year to go over to the States to settle United States strikes and labour difficulties. Do we hear any outcry by the United States people that they are not going to let a British or Canadian subject go over there to settle their difficulties? Nothing of the kind. I say, be fair to labour; be fair to capital. Both of them are necessary. Instead of trying to set one up against the other, the greatest friendship should exist between them, because it is impossible for capital to increase without labour; on the other hand it is impossible for labour to exist without capital. Therefore, I say, calmness of mind and wisdom of counsel should be exercised to the fullest extent whenever questions of that kind come to be discussed. The man who will convince capitalists that they should denounce any man who treats his fellow beings in a cruel or harsh way, is doing capital a kindness, and the man who points out to labour elements of this country that they are doing an injustice when they interfere with the personal liberties of their fellow-citizens, is doing labour a kindness, and it is along those lines that we should counsel these men and try to govern them, instead of endeavouring to take the unions by the throat and say: 'You can only appoint such officers as we think you should have.' I am going to support the amendment of the hon. gentleman from London; but if that amendment should not be adopted, then I would be pleased to see the Bill referred to a committee. I think it should be a special committee, or perhaps the largest standing committee in the House, the Railway Committee. It should be fully discussed, because I know there is a great deal to be said on behalf of the labour organizations of this country. They have duties to perform and they perform them. They have a right to see that sanitary conditions are such as will not imperil

the labour element of the country. They have a right to demand that those conditions be regulated and when some capitalists undertake to employ female labour in doing work that might be degrading to their sex, the unions should have a right to step in and say: 'You must not do that.' They come to parliament, therefore, and ask us to pass laws for them. Sometimes the avarice of a father, or the cupidity of a workman might tempt him to substitute child labour for a man's work, stunting the growth and intellect of the child. Unions are a benefit in such cases; they say that must not be done and they come to us and ask us for redress. I say they are an advantage to the country, and every labourer ought to be a member of the craft to which he belongs. Labour is very powerless, indeed, if it is not allowed to form a union for its own protection, just as well as capital is allowed, and I say the one is just as necessary as the other. Capital is nothing more or less than accumulated labour, and I say that the capitalist who has stored labour has a right to have it protected; and that the labourer who desires to have fair treatment ought not to be denied the privilege of obtaining the very best officer to regulate the conditions that it is possible to procure for him. For these reasons I am in favour of the amendment of the hon. gentleman from London.

Hon. Mr. McMULLEN—I desire to make a few observations in closing the debate upon this question. I consider it a very important one. I believe the manufacturing interests in Canada at the present moment stand in very great danger if we are to continue to open the gate to foreign elements coming in here for the purpose of encouraging strikes, and taking an interest in strikes, being parties to the damages to, and destruction of property that have taken place in many instances where strikes have occurred. I have no personal animosity to united labour or organizations of labour. I wish them every success in Canada, but I believe there is the ability in the organizations in Canada to handle matters of importance such as strikes without bringing in the foreign element which in the past has proved destructive, and which has encouraged a condition of things that is a disgrace to any civilized country. The exhibitions we had for instance in the city of London, in the city of Hamilton, and in other cities, which could be traced with certainty to a foreign element coming in and encouraging the destruction of property and encouraging strikes, leaving with us the lamentable result that follow from these strikes because of the manner in which they have been conducted. If our labour organizations in Canada are to be subject to a condition of things which is growing year by year, whereby foreign agitators are permitted to come here, and disturb the minds of our labouring classes, encouraging strikes, it is going to result in a condition of things that will undoubtedly be disastrous to manufacturers. Any large manufacturer in Canada that is becoming a formidable competitor with a manufacturer of the same kind in the United States, producing largely and selling perhaps as cheaply or cheaper than the United States manufacturer, the United States manufacturer, to get equal with him can, by utilizing the organization of labour, eventually secure a strike, causing consternation amongst the Canadian employees and disturb his business to such an extent that it will tend to his ruin. Take the case that I referred to with regard to the shipbuilders of Victoria. There are no less than three of these firms. What was the result there? When the Canadian Pacific Railway advertised for tenders to make certain repairs to one of their steamers tenders were sent in from Seattle, and from several other places in the United States, and tenders also from Victoria. Fortunately a Canadian shipbuilder got the contract. After the contract was awarded an agitation was gotten up amongst the men for an eight hour day, they were then working nine hours. There was an agitation immediately gotten up for an eight hour day and pay for nine. The shipbuilders remonstrated with the men and said: 'We took the contract that we are asking you to assist us to carry out under a nine hour day with nine hours pay. You are asking us to reduce it to eight hours with still nine hours pay. We tendered closely for the work and cannot afford to consent to these terms.' The result was there was a strike. Immediately they made an effort to get men elsewhere to come in to complete the contract—to get them either in Canada or the United States. When they did that, the organiza-

tion of labour there interfered with these men. They button-holed the men and threatened them. They did everything in their power to prevent these men going on with the work. The employers were under contract with the Canadian Pacific Railway to have the vessels fit for the ocean at a certain fixed date on which she was to sail. The labour organization did everything they could to prevent that contract from being carried out, because the contractors could not consent to give them nine hours' pay for eight hours' work. That is an incident that can be repeated all the way from the Atlantic to the Pacific. In every large manufacturing institution in this country the same trick can be played. All that I want is to guard our manufacturing institutions in all lines against that condition of things. This is a young country and we cannot afford to be looked upon and treated as the back door of the United States to be shackled and interfered with in our development by organizations that can be maintained and utilized for that purpose and Canada made to suffer. My esteemed friend in his address said: 'You should not shut the door against these men coming in. They ought to be allowed in and the door should be wide open.' Why is the door not wide open when men strike and an employer requires other men to take their place? Why is it that the labour organizations of this country has secured a law—and it is on the statute-book to-day—that declares that no manufacturer in Canada shall hire labour from outside to take the place of the striker?

Hon. Mr. McHUGH—The hon. gentleman says the labour organizations had a law passed forbidding manufacturers to bring in men. I make the statement now that it did nothing of the kind. The United States people had an alien labour law on their statute-book, and as a retaliatory measure the Canadian parliament reluctantly passed another law, almost word for word with theirs, but not at the instance of the labouring class of the country, and the labour unions protested against it at the time.

Hon. Mr. McMULLEN—My recollection is just as I have stated. I know perfectly well that whether it is a Grit or Tory government that is in power, the labour element in this country exercise a considerable influence. No doubt their votes are wanted by both parties and there is often a considerable amount of pandering to labour in order to get the votes. I contend that it was to please the labour element and it was at their request that the alien labour law was enacted in this country to prevent the importation of skilled labour. In this country when there is a strike of skilled labour employers are not allowed to import labourers from the United States. Now, if that is the case—and it is the law on the statute-book to-day as far as the employer is concerned—why should it not be the law as far as the labourers are concerned? If the manufacturer has the door closed against him from the United States or other countries, preventing the bringing in of men to take the place of strikers, it leaves him in a desperate condition to get men to complete a contract; the time is short, so that he cannot by legislation bring them in line, and why should the strikers be permitted to bring in agitators from the United States for the purpose of helping the unions to continue strikes and encourage and incite strikes? I say that the same law should apply to both. Let us abolish that law if we are not going to pass this Bill.

Hon. Mr. WILSON—Does the hon. gentleman believe in protecting our skilled labourers in Canada?

Hon. Mr. McMULLEN—I have no objection whatever that skilled labour should receive fair and reasonable consideration. I want every skilled labourer in Canada to have a fair opportunity of making a living. Let me draw the attention of the House to a recent coal strike in this country. I appeal to every member of this House is it not desirable to avoid the condition of things that we had in the Northwest last winter, when a number of people were virtually frozen to death? We have had the most terrible condition of things that ever prevailed in Canada. Men burning their furniture and their outhouses to keep their children from freezing to death. Burning lumber that cost from $30 to $40 a thousand, burning their fence posts to keep themselves from freezing to death.

Hon. Mr. WATSON—I do not think it is worthy of a member of this House to make exaggerated statements. These reports have been proved to be exaggeration. I venture to say there have not been two deaths in the whole of the Northwest during the past winter from want of fuel.

Hon. Mr. McMULLEN—If I had known that the hon. gentleman would challenge my statement, I was prepared to furnish proof of it—proof that some were frozen to death, and that others suffered seriously from the effects of the frost. There has been very serious suffering owing to the condition of things in the Northwest. We do not want that condition of things repeated. We know that the strike of the coal miners was inaugurated, maintained and controlled by the coal miners organization of the United States and Canada.

Hon. Mr. CLORAN—The hon. gentleman's argument would be first class if he could tell us who was responsible for the strike—the mine-owners or the miners. Put the blame on the proper parties for the want of coal in the Northwest. Was not the coal famine attributable to lack of railway facilities?

Hon. Mr. McMULLEN—The miners struck at a time when nobody expected that the mine-owners would consent to the increase they demanded. The miners violated a contract they had made with the mine-owners, and went on strike.

Hon. Mr. WATSON—What strike does the hon. gentleman refer to?

Hon. Mr. McMULLEN—The strike at Fernie and Lethbridge for higher wages, and the sufferings of the people in the Northwest resulted from that strike.

Hon. Mr. CLORAN—Were the men right or wrong?

Hon. Mr. McMULLEN—I have no objection at all to allowing the Bill before the House to go either to a special committee or to one of the standing committees. I am glad that a measure for conciliation has been introduced by the Minister of Labour, and hope that it may have a beneficial effect. I shall rejoice if it prevents strikes, but I think this legislation is necessary also. Let the Bill be referred to a committee, and those who represent the labour element can appear before the committee and both sides can be heard. If it is considered wise by that committee to defer further consideration of the Bill until next year, and give time and opportunity to show what effect the Conciliation Bill will have in preventing strikes, I shall have no objection. Whatever is considered best in the interest of the country I am willing to accept, but we should do something to put a stop to interference by outsiders such as we have witnessed in past years. If we continue to tolerate such interference, we will have a condition of things in this country that will produce serious results. As far as my hon. friend's amendment is concerned, he has read us an essay. No doubt it was prepared for him, and it was a violation of the rules of the House to read from manuscript.

Hon. Mr. WILSON—I do not think my hon. friend has a right to say that that address was prepared for the hon. senator from London. He has no right to make such an insinuation in the absence of the hon. gentleman.

Hon. Mr. McMULLEN—I am giving my opinion. I make no reflection on the hon. gentleman.

Hon. Mr. POWER—I do not think the hon. senator from Wellington has a right to express the opinion that the address which the hon. gentleman from London (Hon. Mr. Coffey) delivered had been prepared for him. That is unparliamentary.

Hon. Mr. McMULLEN—I do not wish to make an unparliamentary statement, and I therefore withdraw it, though more than myself thought so. I want to say this, however, that while there is a rule of the House that prohibits a senator from reading his speech from beginning to end, if the Speaker's attention is drawn to it——

Hon. Mr. POWER—Now is not the time to refer to that.

Hon. Mr. McMULLEN—I intend in future to draw the Speaker's attention to any violation of that rule. I leave the Bill in the hands of the House.

Hon. Mr. WATSON—The remarks of the hon. gentleman——

Hon. Mr. POWER—My hon. friend from Portage la Prairie overlooks the fact that the mover of the motion has the right to reply and close the debate

Hon. Mr. CLORAN—But he is not here. The motion before the House is the amendment. In fact the discussion should be closed by the hon. senator from London.

Hon. Mr. POWER—No. The mover of an amendment has no right to make a second speech.

The SPEAKER—Rule 37 provides that in all cases the reply of the mover of the original resolution closes the debate.

Hon. Mr. POWER—I do not press the point.

Hon. Mr. WATSON—If that rule is strictly adhered to the mover should refrain from introducing new matter into the debate when making his reply. I regret that the hon. gentleman has seen fit to repeat exaggerated reports circulated in the press about hardships endured in the Northwest on account of scarcity of fuel. I venture to say that no part of the Northwest suffered more from want of fuel last winter than the part of the country where the hon. gentleman lives did three years ago when coal was scarce. The strike at Fernie, to which the hon. gentleman refers, was caused by a local representative, not by a foreigner, and, as a matter of fact, Mr. Mitchell, the head of the coal miners organization, came to Fernie and called off that strike.

Hon. Mr. McMULLEN—No.

Hon. Mr. WATSON—I venture to say I am right.

Hon. Mr. McMULLEN—No.

Hon. Mr. WATSON—One thing I do know Mitchell called off the strike at Lethbridge when it was shown that people were suffering for want of fuel. The Premier of Saskatchewan and a deputation went down to see Mitchell, and it was he who relieved the situation so far as that strike is concerned. So far as Fernie coal is concerned, it does not go into domestic use at all.

Hon. Mr. JAFFRAY—I regret that this discussion has taken place in view of the fact that the government Bill is coming up to-morrow. The gentleman who can bring conciliation and peace between capital and labour will be the greatest benefactor we will have in Canada, and I regret exceedingly that there should be anything bitter or of an embarrassing character spoken on either side of the House in regard to a question of this kind. I do not know that I should have risen to say anything about this Bill but I have reason to know, having been a party to the recent strike that has been referred to at Fernie, and I may also say I have had considerable experience both with the local agitator, as he may have been called, and with the foreign representative. The strike at Fernie arose in this way : The local president of the union had made an arrangement with the company for three years. Part of that arrangement was that the money payable to the union should be collected by the company so long as the men were agreeable that it should be done so ; but they could only collect that money with their consent. If they objected, the company had at once to cease the collecting. The local president of the union had run for parliament a couple of times, and it is said he had also a ranch, and he appeared to be getting well off, and I suppose some of the men concluded that their local president was getting too well off, and they were paying a considerable amount into the union. Some of them, therefore, refused to pay their dues. I do not think he had authority enough to influence a strike, but he wrote down to Mitchell at Pittsburg and Mitchell called the strike without giving the other side an opportunity to make a statement. That is the the only complaint we have to make about Mitchell. The strike went on and Mitchell was asked to interfere. He sent a representative, who at once condemned the action of the local men and ordered the strike to end, but without Mitchell's personal authority it could not very well be done, and they had to send to Minneapolis where Mitchell was then, before they were able to get the matter settled. When Mitchell had the statement put before him, he at once called off the strike and apologized and stated that there should never have been a strike. In that case, the only fault that could be found with Mitchell was that he called the strike without adhering to the agreement, which was that there should be an arbitration before a strike.

Hon. Mr. WATSON—At the request of the local representative?

Hon. Mr. JAFFRAY—At the request of the local representative who misrepresented the case. The one difficulty in British Columbia with regard to this matter is the conflict of interest between the one side of the border and the other. We have reason to know that strikes have been called there in the interests of the Coeur de Laine district, Montana, where the interest of British Columbia seemed to be going ahead of them, and where they thought it was to their advantage that we should have difficulties. That is where I think the principle difficulty is. I must say this as far as my experience goes, in different strikes that have occurred, the men coming from the other side of the line have rather been favourable to settlement than otherwise. That has been my personal experience. I have had it in Toronto, and we have had it in this case in British Columbia that the local agitator was more difficult to deal with than men from the other side. While I should like to see this state of things brought to an end, it is of the greatest importance that we should have as much liberty as possible, and I think that the getting of both sides together and coming to an understanding is by far the best way to secure it. I think further, that the independence and feeling of manhood in our own men on this side, if left to themselves, will correct this evil without legislation. They will be manly enough to see that we do not need anybody from outside to dictate to us about our difficulties. We are competent to settle them ourselves, and I believe if left to themselves that would be ultimately the result of this labour question. The senate divided on the amendment which was agreed to on the following division :

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At six o'clock the Speaker left the Chair.

## After Recess.

### SECOND READING.

Bill (81) An Act to incorporate the Central Canada Manufacturers' Mutual Fire Insurance Company.—(Hon. Mr. Gibson.)

### CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (BBB) An Act to amend the Civil Service Act.

He said: This Bill is only a matter of detail. The Postmaster General found very much difficulty in obtaining railway mail clerks. They are required to pass an examination which is purely technical and in no way connected with the duties they have to perform, and the object of that particular paragraph is to allow them to be examined on their duties of office and work which they have to perform. It seems much more sensible than to examine them on the history of Hayti and San Domingo, or some other distant country. As the Civil Service Act now stands the qualifying examination does not apply to the appointment of any class other than the third-class. The affect of the next amendment here is to create the junior second-class clerk, which is now the lowest grade.

Hon. Sir MACKENZIE BOWELL—Is that to reduce the qualification?

Hon. Mr. SCOTT—No. The qualification for the office will be higher than at present, and junior second-class will take the place of the third-class.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman speaks of the difficulty of qualifying I suppose he means under the present law?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman with reference to the mail clerks and some other positions where the examination, instead of being of the ordinary character, should pertain more to the work to be performed. The only difficulty would be that it might open the door too wide in appointing third-class clerks who would of right be promoted afterwards to second or first-class positions where the duties are of a more technical character, requiring a better education than would be is not interfered with?

Hon. Mr. SCOTT—Then he has to pass a qualifying examination.

Hon. Sir MACKENZIE BOWELL—That is not interfered with.

Hon. Mr. SCOTT—No.

The motion was agreed to, and the Bill was read the second time.

## RAILWAY BELT WESTERN BOUNDARY BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 102) An Act to ratify an agreement between the government of Canada and the government of British Columbia respecting the western boundary of the railway belt.

(In the Committee.)

Hon. Mr. SCOTT—On the second reading I explained that this Bill is necessitated for the reason that the western boundary of the lands granted by British Columbia to the federal government for the building of the Canadian Pacific Railway was never defined until the present time. As hon. gentlemen know, on each side of the railway through British Columbia there was what is called the railway belt donated, twenty miles on each side. The western end of it was never marked off. This Bill is for the purpose of accepting the boundary that British Columbia has already defined, and the legislature of the province has passed an Act corresponding with this. I took the statute of British Columbia of 1906 and compared paragraph 3, with clause 3 of this Bill, and they are identical.

Hon. Sir MACKENZIE BOWELL—Then this is a mutual arrangement between the Dominion and British Columbia?

Hon. Mr. SCOTT—Yes. They passed their part of it, and we now pass ours, and close it up.

Hon. Sir MACKENZIE BOWELL—When you speak of the western boundary does that go to the coast?

Hon. Mr. SCOTT—No, it would not be reasonable to go to the coast, because that part of the province has been settled.

Hon. Sir MACKENZIE BOWELL—If it extended to the coast it would include the city of Vancouver.

Hon. Mr. SCOTT—Now that it has been read, I suppose it is clear to every one.

Hon. Sir MACKENZIE BOWELL—I must confess that I had not seen this Bill before, and that is why I asked to have it read, and while it may be very interesting to those who have never been there, I may say that I have seen this part of the country and the Bill is all right. I think it is a very good bargain for the Dominion.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendment.

## PETROLEUM BOUNTY ACT AMENDMENT BILL.

Hon. Mr. SCOTT moved concurrence in the amendments made by the House of Commons to Bill (G) An Act to amend the Petroleum Bounty Act, 1904.

He said: The House struck out three words, 'special or general,' which they considered as being too indefinite. Hon. gentlemen probably will know that in the sale of the oil lands in Petrolea, and in the neighbourhood, the usual practice is for a farmer to reserve an eighth barrel. When parliament removed the duty on the oil, it granted as an offset a small premium on the oil produced in western Ontario; and the farmer is entitled to the proportion on his eighth. That is the object of the Bill.

Hon. Sir MACKENZIE BOWELL—That is the farmer's proportion of the bounty.

Hon. Mr. SCOTT—Yes, it gives whatever share he has reserved, usually one-eighth.

Hon. Sir MACKENZIE BOWELL—That is another infringement of the principles laid down by the hon. gentleman when in opposition. I should like to congratulate

him on his conversion. Every year we are having evidence of it.

The motion was agreed to.

## STANDARD LIFE INSURANCE COMPANY BILL.

### SECOND READING.

Hon. Mr. JAFFRAY moved the second reading of Bill (ZZ) An Act respecting the Standard Life Insurance Company.

Hon. Sir MACKENZIE BOWELL—Is this the ordinary insurance Bill, for the organization of an insurance company ?

Hon. Mr. JAFFRAY—Yes.

Hon. Mr. KERR—There is an English company called the Standard Life Insurance Company, which is doing business in Canada at the present time. I think some consideration should be given to the name.

Hon. Mr. JAFFRAY—Is that not a matter to be considered in the committee?

Hon. Mr. KERR—Yes, but I call attention to it now.

The motion was agreed to, and the Bill was read a second time.

The Senate adjourned until Three p.m., tomorrow.

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# SENATE.

OTTAWA, Thursday, March 21, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## ABITIBI AND HUDSON BAY RAILWAY COMPANY.

### AMENDMENTS OF COMMITTEE CONCURRED IN.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (KK) An Act to incorporate the Abitibi and Hudson Bay Railway Company. He said : The amendments consist in striking out part of clause 10 which gave the company powers which the committee did not think it was expedient to grant, and in striking out the word 'fifty' in the amount of debentures permitted to be issued per mile, and substituting therefor the word 'forty.' I move concurrence in the amendments.

Hon. Mr. LANDRY—What is the hurry ?

Hon. Mr. CASGRAIN—It is a Senate Bill, and has to go to the House of Commons.

Hon. Mr. LANDRY—I understood there were other amendments to that Bill.

Hon. Mr. CASGRAIN—This is not the Bill the hon. gentleman refers to.

Hon. Mr. POWER—The amendments made to this Bill by the committee are simply to reduce the powers of the company.

The motion was agreed to.

## THE RULES OF THE SENATE.

### MOTION.

The notice of motion being called :

1. That (i) of rule 25 be amended by inserting after the word 'amendments' the words 'to a public Bill.'

2. That the four rules following be inserted after rule 31, that is to say :

Any substantive motion which has been adopted by the Senate, other than a motion relating to a Bill, may be reconsidered at the next sitting of the Senate : Provided, that notice of the proposed reconsideration is given during the sitting of the Senate at which such motion is adopted. Such notice may be given at any time during such sitting.

The motion to reconsider must be moved after 'notices' and 'inquiries,' and before 'motions' on the next sitting day, unless postponed to some certain time by leave of the Senate.

When a motion for reconsideration is decided, that decision shall not be reconsidered ; and no question shall be twice reconsidered.

An order, resolution or other vote of the Senate, not being a motion for a stage of a Bill, may be rescinded ; but no such order, resolution or other vote shall be rescinded during the same session, unless seven days' notice be given and at least one-half of the whole number of senators vote in favour of its recession : Provided that, to correct irregularities or mistakes, one day's notice only shall be sufficient.

3. That the following be inserted after rule 102 : A public document quoted from by a minister of the Crown may be ordered by the Senate to be forthwith laid upon the Table ; unless it is stated by the minister to be of such a nature that its production would be inconsistent with the public interest.

4. That the changes in the numbering of certain rules, made appropriate by the foregoing additions, be duly made.

Hon. Mr. POWER—I dare say that some hon. members of the House may think it is a little mal-apropos just at this stage, considering that the House is approaching an adjournment, that I should move in this matter. I may briefly state to the House why I take it up now. The rules of the Senate, as hon. gentlemen are aware, were printed in this small pamphlet about a year ago, and a larger book, containing what is known as the Manual of Procedure and the British North America Act and some other enactments, is now in the printer's hands; and it is desirable that the rules should appear in their final form in that volume. Consequently, as it was possible that the House might adopt the same view which I hold about these rules, I thought it well to bring the matter up before the adjournment. Afterwards would be too late. The first amendment is a very simple, and not an important one. Rule 25 mentions the motions for which no notice is required, and (i) provides for the consideration of Commons amendments forthwith or on a future day. It has been suggested by one of the officers of the House that that really applies only to public Bills, and if hon. gentlemen will turn to rule 131 they will find that it reads this way:

> When any private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a Committee of the Whole, or to the select committee to which such Bill was originally referred.

I do not think that paragraph (i) does any harm, but I adopt the suggestion made to me about the desirability of inserting 'a Public Bill.' I move the adoption of the paragraph marked first.

Hon. Mr. LANDRY—I would call the attention of the Speaker to a point of order. This notice of motion is not in order. Rule 29 provides that:

> No motion for making a standing rule or order can be adopted unless two days' notice in writing has been given thereof and the senators in attendance on the session have been summoned to consider the same.

The senators have yet to be summoned.

Hon. Mr. POWER—This is taking a more deliberate course and getting the sense of the Senate on the propriety of amending the rules. After the Senate have decided, then the notice that the hon. gentleman speaks of would be given and the senators would be summoned. It would be awkward if we gave notice to the senators and the amendments did not carry. We have a right to pass this resolution.

Hon. Mr. LANDRY—It will not be a standing order. It cannot be a standing order.

Hon. Mr. POWER—No.

Hon. Mr. LANDRY—Our rules are standing orders.

Hon. Mr. POWER—I know that.

Hon. Mr. LANDRY—And the hon. gentleman wants to add new rules that will not be standing orders. A new rule is a standing order. It is not for the session only. The hon. gentleman admits that it is late in the session; but he wants to bring it up now for future sessions. By its nature it is a standing order, and in that case the senators should be convened purposely to study those suggestions before adopting them, and I say this motion is not in order.

Hon. Mr. FERGUSON—Did I understand the hon. gentleman from Halifax to say that the senators would be summoned afterwards? Then this would be only what we might call a preliminary canter which we are going through.

Hon. Mr. POWER—Yes.

Hon. Mr. FERGUSON—I do not think the hon. gentleman can be very serious about it.

Hon. Mr. POWER—As a matter of fact, that is the course which was adopted with respect to the rules originally. They were considered and discussed, and after the House had made its mind up to adopt these rules there was a motion made to summon the senators, and the rules were made standing orders. Surely the hon. gentleman cannot complain that he will have two chances to oppose them instead of one? We have a right to resolve anything we please.

Hon. Mr. LANDRY—Yes, if you do it in order.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman from Halifax a few moments ago to say that the Senate should adopt these amendments and then summon the House to confirm them. It seems to me if we once adopt them there is an end to it. I would suggest that the propositions made by the hon. gentleman be fully discussed now, without adopting any of them, and then summon the House, under the 30th rule, to consider and deal with them. The suggestion made by the hon. gentleman that we should discuss them on their merits to-day, I think is a very good one, in order that they may be thought over, and that we may see what effect they will have upon the rules generally, and then summon the House to adopt them.

The SPEAKER—If I understand the hon. gentleman, he does not intend to press his motion; but has simply used this method to bring the matter before the Senate.

Hon. Mr. POWER—To get an expression of opinion from the Senate.

The SPEAKER—Because the motion cannot be carried——

Hon. Mr. LANDRY—If it cannot be carried it should not be put.

Hon. Mr. POWER—I have not moved a standing order. I have moved a resolution to express the opinion of the Senate, and as the hon. gentleman from Belleville has said, after senators have expressed their opinion upon the proposed changes, then I can give the formal notice for the other process.

Hon. Mr. FERGUSON—We cannot be in order. This motion to change the rules of the House cannot be discussed without a proper notice and without the members being summoned. Therefore, any hon. gentleman can rise in his place and say that there is nothing before the House, the point of order having been taken that the necessary notice has not been given.

The SPEAKER—I can only be governed by rule 29 which says:

No motion for making a standing rule or order can be adopted, unless two days' notice in writing has been given thereof and the senators in attendance on the session have been summoned to consider the same.

The motion as made seems to be a formal motion, which is not simply an expression of opinion on the part of the Senate. I think the point is well taken.

Hon. Mr. DeBOUCHERVILLE—Notice has not been given.

Hon. Mr. POWER—Notice has been given. I understand his honour the Speaker ruled that the senators must be summoned in order to consider this question.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. POWER—I am asking his honour the Speaker. Do I understand his honour to say that this resolution of mine is out of order on the ground that it proposes to make a standing order—which it does not do?

Hon. Mr. POIRIER—Of course it does.

The SPEAKER—I can only take the motion in the form in which it is, and my opinion is based on rule 29 of the rules of the House.

Hon. Mr. POWER—I give notice that, on Monday next, I shall move this resolution, with the addition that the senators be summoned.

## COST OF SECTIONS OF NATIONAL TRANSCONTINENTAL RAILWAY.

MOTION POSTPONED.

The Order of the Day being called:

By the Hon. Mr. Ferguson:

That he will ask the government to supplement the answers given to all questions asked by him during the present session of parliament in regard to the cost per mile of all sections for which contracts have been let on both the eastern and western divisions of the National Transcontinental Railway, by giving the cost of ties and rails, and everything necessary to complete the track on said sections of said railway.

Hon. Mr. FERGUSON—Is the hon. gentleman prepared to give the answer I asked for yesterday?

Hon. Mr. SCOTT—No. They say it is absolutely impossible to prepare the information within a reasonable time. The rails and the ties do not form any part of the contract; therefore their cost will depend altogether on the current rate at the time.

Hon. Mr. FERGUSON—Are they not purchased ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. FERGUSON—We know the ties are bought.

Hon. Mr. SCOTT—The answer they gave me was that it would take some time to make up the return. I did not suppose they had any information on the subject. I did not know that the rails and ties were purchased, because some little time ago a discussion took place on the price of rails and the council was informed that it would be impossible——

Hon. Mr. FERGUSON—My hon. friend from Stadacona has had all the particulars with regard to the purchase of the ties already brought down, and it is possible the rails may be in the same position.

Hon. Mr. SCOTT—They promised to make it up for me.

Hon. Mr. FERGUSON—Well, let the motion stand.

Hon. Mr. SCOTT—Very well.

The motion was allowed to stand.

## OLD AGE PENSIONS IN CANADA.

### MOTION.

Hon. Mr. McMULLEN moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all correspondence in the hands of the government, or any department thereof, on the question of old age pensions to aged residents in Canada, or retiring allowance in any form.

He said : The House will remember, no doubt, that some weeks ago I placed a question on the notice paper inquiring whether it was the intention of the government to introduce a measure providing for old age pensions. At that time the hon. Minister of Trade and Commerce made an extended statement to the House on that subject, and subsequently laid upon the Table of the House a draft Bill regarding the question of old age pensions. I am desirous of getting all the information there may be in any department with regard to this question in the way of correspondence or otherwise, and on that draft measure in the statement the Minister of Trade and Commerce made to the House, he invited a free expression of opinion upon the whole question. It was for the purpose of not only giving my own personal opinion upon the question, but allowing any member of this House that choose to speak upon it the opportunity of discussing generally the question of granting pensions to aged residents of this country that I placed this notice on the order paper. I know that old age pension systems had existed in some European countries for some years, but I contend that a different position of things exist there from the condition in Canada. The opportunity for providing for old age is not as good in Germany, France or England as it is in a new country like ours. I know that it is the intention that old age pensions should not be made a heavy drain upon the resources of the Dominion treasury. I presume that it is the intention, if it ever does become law, to make it largely self-sustaining ; but there is in the proposed draft Bill that has been submitted by the Minister of Trade and Commerce, a provision that after the money subscribed by those that wish to become members of that fund or draw old age pensions, when they reach the age of 60, the Dominion treasury may from time to time, under certain conditions, be called upon to contribute to the fund that is set aside for that purpose. I have in all my public life opposed everything in the way of superannuation, and I am opposed to old age pensions. Of course I express my opinion frankly. Perhaps those who have considered this question closely look upon it in a different light from what I do. The information in the hands of the Minister of Trade and Commerce may be such as to warrant him in taking the stand he does by that Bill.

That may be true, but, as far as I am personally concerned, I am not disposed to favour the establishment of a system of old age pensions in Canada at the present time. We have here every opportunity for every industrious man to make headway in life, and lay by a percentage of his earnings. Under such conditions, old age pensions are not necessary. No man in Canada has to live from hand to mouth, as is the case in other countries where the labourer is often unable to make provision

twenty-four hours ahead for his family. It will be many years before anything of that kind is likely to be witnessed in Canada. Besides, if any man is so unfortunate as to become completely stranded financially in our country, he generally has the sympathy and assistance of his neighbours if he is landed in that position through no fault of his own, or can get relief from the charitable institutions of the country. We have in the county where I live a poor house which is well and creditably conducted, a good, safe, comfortable home for any man within the bounds of the county who is forced to seek shelter somewhere. These county institutions have been established from time to time for the purpose of taking care of aged people who, through misfortune, are obliged to seek relief, and they are well taken care of for the balance of their days. There is another feature of the Bill that has been presented to us that I do not like, and that is, the moneys contributed are not subject to seizure for any debt that the contributor may have contracted. I do not think it is well that we should encourage people in laying aside funds that cannot be reached for their legal debts voluntarily contracted. I do not believe in sheltering people against paying their honest debts, and if this Bill provides for that kind of thing I would feel more bitterly opposed to it, than if the pension was subject to seizure. That was one feature of our Civil Service Act that I never could endorse—that of making the wages of civil servants not subject to seizure for debt. Our civil servants should be required to pay their honest debts like other people. I do not like legislation which shelters any man from paying a debt which he has honestly contracted. It is too early in the day in Canada to introduce an old age pension Bill. Men who are industrious, and apply themselves honestly to the performance of their duty, in whatever sphere they labour, can earn a reasonable sum to support them and lay up something for a rainy day. Our post office savings bank furnishes evidence that such is being done. If you look up the returns, you will find that these deposits are increasing from year to year, and depositors are allowed a fair rate of interest upon the money they deposit. That money is under their control. They can draw it at any time. In case of sickness or disaster they withdraw any portion of it that they please. That was a prudent provision to make, because it encourages wage-earners to save. Under this Bill, however, the contributors have no control over their money. They receive nothing until they reach the age of sixty. If they die before reaching that age, their relations are entitled to draw the money with interest at a certain rate; but the contributors themselves cannot touch it until they reach the age of sixty. In that respect, it differs from the post office savings banks. In the third place the establishment of any system of the kind might possibly encourage indolence, and want of thrift. Some men would commence contributing a little to the pension fund and would look forward eagerly to reaching the age of sixty. They would say to themselves: 'When I get to the age of sixty, the government has to grant me a certain allowance for the balance of my life.' We should rather encourage people to provide for themselves. If they fail to make provision for their old age and cannot look to their friends for help, in nine out of every ten counties in the country there are poor houses. I may be told that it is rather humiliating to ask people who may have been brought up in comfort to spend their last days in a poor house, but they have had their chance of life. If they had made good use of their opportunities not one out of every hundred of them would find any necessity to go to the poor house. I consider it my duty therefore to take the earliest opportunity of expressing my opinion, that in view of the rapid development of our country and the opportunities afforded to every one to earn decent incomes and lay by something for themselves; in view of the encouragement afforded by our post office and other savings banks, to lay by something for a rainy day, I think we have not yet reached a period in the life of this country when we should establish a system of old age pensions. The post office savings banks are modern institutions. Before they were established, there were not the same facilities to put away savings. In the face of all the circumstances of the

present time, in my humble judgment, a system of old age pensions is premature and unnecessary.

Hon. Mr. ROSS (Middlesex)—As I understand from the hon. Secretary of State that he is anxious to proceed with the Labour Bill to-day, I desire to expedite the business of the Senate, and as I have something to say on this question, I move that the debate be adjourned until Tuesday next.

The motion was agreed to.

## INSPECTION OF MEATS AND CANNED FOODS BILL.

### THIRD READING.

Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (33) An Act respecting the Inspection of Meats and Canned Foods.

Hon. Mr. SULLIVAN—It is not my intention to inflict on the patience of the Senate any lengthened remarks, but I consider it the duty of any one in this House who has special or technical knowledge on any subject to announce it for the benefit not of the Senate, but of the country. Therefore, knowing perhaps more of the matter considered by the Bill than the average senator, who is not engaged in the same occupation as I have been, is likely to know, I shall briefly suggest some amendments which should be made to the Bill. The measure, I think, is a crude affair. It is not in any way regular or complete. For instance, take the classification of poultry, You see I was right, because in the next subclause provision is made for the slaughter of turkeys, and you know turkeys, geese and other poultry are never killed in a slaughter house. If that were put in the other clause where fish and vegetables are referred to, it would appear in the proper place. There is another point about the clause with reference to the definition of food. It might be improved by adding the words 'confectionery and condiments used by man or other animal.' That would be a more concise and complete definition. Condiments are not food, but I include them because it would make the clause more complete. The 3rd subclause provides :

3. Every animal affected, or suspected of being affected, with contagious or other disease, shall be slaughtered under the supervision of the inspector and be disposed of as provided by the regulations.

That gives tremendous power to the inspector. Suppose on incomplete evidence, according to the opinions of others, the inspector slaughters an animal on mere suspicion. I hold that an examination should be made afterwards to verify whether the opinion of the inspector was correct or not, and if he was mistaken, either the inspector or the government should indemnify the owner of the animal for any loss he may incur. I do not see anything about the qualifications of an inspector. Now the inspections may vary in character. Some may be more minute and technical than others. Take for instance, canned foods ; an inspector for such products certainly requires more technical knowledge than this Bill calls for. Deadly poisons are generated in canned food, which go under the name of ptomaines ; an inspector in order to be able to detect them should have a knowledge of bacteriology, and the use of the microscope. Would you require every inspector to have that knowledge ? No, but you would require him to send samples of the suspected food to the department where it could be properly analysed. There is another matter which I shall mention, to show that I had sufficient cause for giving you all this trouble. The 9th clause provides :

9. Every carcase, or portion or product thereof, found, upon inspection or reinspection, to be unhealthy or unfit for food, or which contains such ingredients, or an animal dead otherwise that may render it unfit for food, shall be marked by the inspector in such manner as the minister directs, and shall thereupon be deemed to be condemned as unfit for food, and shall be disposed of as provided by the regulations.

That should be amended by inserting 'any carcase of an animal which has died otherwise than by slaughter.' That is a very necessary condition to put in there, because meat from animals that have died of disease could not be detected by the sense of taste or smell, yet such meat is considered as unfit for food. I think it ought to be mentioned that all animals that die otherwise than by slaughter should be considered unfit for food. I only mention these matters to give you an idea that I have carefully examined the Bill, and hon. gentlemen may attach what importance they choose to my views on the subject. The Bill should be amended in many respects. There are

no proper provisions for the inspection of canned food. There should be a bureau of chemistry, and competent inspectors. Without these, examinations of canned food are, to a large extent, useless. I do not intend to move any amendments. I simply want to show that I was justified in asking that the third reading be postponed.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend is not moving any amendment, I shall press the third reading. I shall, however, call the attention of the Department of Agriculture to his remarks. As to one or two points which he made I might say this, that the power of slaughtering animals on suspicion is already accorded to the officers of the Department of Agriculture notably in the case of glandered horses, and swine suspected of being infected with cholera and similar diseases. In all these cases, provision is made for compensation on reasonable terms to the owner if the animal turns out to be improperly slaughtered. This, of course, is a tentative measure, and probably next year, after it has been put into operation, the Department of Agriculture may see some reason to modify the propositions they have made. Of course I shall call their attention to the remarks of my hon. friend, who is entitled to speak with authority, not only as a member of this House, but also as an eminent member of the medical profession, and ask them to consider the amendments he has desired to see introduced. As to the question of inspecting canned foods, he is no doubt aware that the Department of Inland Revenue have analysts, and facilities for inspecting samples of food in all the principal cities of the country. They will be very largely availed of in case there appears to be any ground for believing that canned foods of improper character are being put on the market.

Hon. Mr. SULLIVAN—I had no idea that the Department of Inland Revenue would take charge of these matters.

Hon. Sir RICHARD CARTWRIGHT—The Department of Inland Revenue would be consulted, and their officers would be made use of in connection with this.

Hon. Mr. FERGUSON—I endorse the remarks made by the hon. gentleman from Kingston with regard to this Bill. It is bound now to become law, but I do not think that it has been very well considered, and in its present form it contains what I regard as a very bad principle. We enjoin marking upon all canned goods of all kinds, and then we provide that the Governor in Council may exempt almost any of them from the provisions of the Act. It is government by order in council, instead of by Act of parliament as it should be. We are giving further powers to the Governor in Council, and we have left a great deal too much discretion to the Governor in Council. To my mind there should be no provision at all with regard to the marking of the salmon of British Columbia and the lobsters of the east. The evidence we have is, that it would be detrimental to the trade; but I have no doubt an order in council will be made, duly setting aside the part of the Act that relates to them. The proper way would be to not include them in the Act at all, and not to go through all the form of making a law, and then giving the Governor in Council power to set that law aside. I wish, also to call attention to subsection 3, of section 3 of the Bill, which reads as follows:

3. Every animal affected, or suspected of being affected, with contagious or other disease, shall be slaughtered under the supervision of the inspector and be disposed of as provided by the regulations.

We have the Contagious Animals Diseases Act which deals with this subject. This may be administered by one department, and you will have the general law with the contagious diseases dealt with probably by another department, and it is difficult to know whose duty it will be to act in such a case as this. I think it is the Contagious Animals Diseases Act that should be invoked if any contagious disease is discovered, and that we should not endeavour to deal with it under the provisions of the Foods Act. The first part of section 3 reads:

3. All animals intended for slaughter in any establishment shall be inspected as provided by the regulations.

Subsection 2 says:

2. No animal shall be allowed to enter the parts of an establishment where slaughtering is carried on, unless it has undergone such inspection and been found to be healthy and fit for food.

I have no doubt what is meant by the wording of this clause; it is the animals described in the first section that are intended to be referred to in the second, but it does not say so. Consequently, a horse that would be driven in for the purpose of doing work in the slaughtering establishment would not be allowed to enter it unless it has undergone inspection and is fit for food. If a dog happened to get in there, and a butcher generally owns a dog, he would have to be treated in the same manner. This point might be got over by liberal interpretation, as the framer intended it, but we have to take the words as we find them. I have looked over many of these clauses, and they show that the Act has not been carefully prepared.

Hon. Mr. CLORAN—I wish to direct attention to a matter in this Bill which constitutes an infringement on the rights of the public. I for one—and I know there are others—wish to know what I am buying. If we purchase a can of goods we want to know when it was packed, and wish to know whether it is one, two, three or ten years old. Clause 12 governs this part of the packing business. It reads as follows:

12. All articles prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, shall be subject to inspection during the whole course of preparation and packing; and all such packages shall be marked with:

(a) the initials of the Christian names, the full surname, and the address, or, in the case of a firm or corporation, the firm or corporate name and address, of the packer;

(b) a true and correct description of the contents of the package.

These are the provisions which protect, to a large extent, the rights of a consuming public who purchase the goods, but from what I have seen in the public press in this country, and from the remarks made by consumers of canned goods, they would be very much interested in knowing whether those goods were packed in 1905 or 1895. This is a matter which should appeal to the good sense of the House. I am not sure that the matter could be introduced just now, but it is well to point out the lack in this regard. The public right is not sufficiently safeguarded under clause 12, and I hold that to adequately safeguard the rights of the consuming public, the poor people who largely use these goods, the date of packing should be printed on each can, parcel and package. I do not wish to press the matter to-day, but if in a year or so I find that the consuming public are still anxious to have that done, I shall take an opportunity to move an amendment, but not to-day.

Hon. Sir RICHARD CARTWRIGHT—I might just remark to my hon. friend that I believe the very provision he speaks of was in the original Bill; but after a long discussion it was struck out in the Commons.

Hon. Mr. CLORAN—On behalf of the consuming public or of the packers?

The motion was agreed to, and the Bill was read the third time, and passed.

## THIRD READINGS.

Bill (Z) An Act to incorporate the St. Leon Railway Company.—(Hon. Mr. Talbot.)

Bill (102) An Act to ratify an agreement between the government of Canada and the government of British Columbia respecting the Western Boundary of the Railway Belt.—(Hon. Mr. Scott.)

## INSPECTION AND SALE ACT.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (AAA) An Act to amend the Inspection and Sale Act.

He said: The object of the Bill is twofold. The first paragraph contains certain emendations respecting the size of baskets of fruit, chiefly apples, I presume. The next portion refers to the selling of binder twine, and is intended to enable the complaints made of deficiency in binder twine to be dealt with summarily by one magistrate. Of course in such cases there would be an appeal, if the parties chose; but, at present, the jurisdiction appears to be confined to a comparatively small sum, and as very often considerable sums are involved, a great deal of delay and a great deal of trouble are caused to parties by being unable to dispose of the matter summarily. That I propose to amend, and I likewise propose that from this time forth no penalties whatever shall be paid to the inspector of binder twine, but shall go into a consoli-

dated fund. I may state that the present inspector has never put in any claim whatever for this, but apparently the law would give it to him.

The motion was agreed to, and the Bill was read the second time.

## CANADA SHIPPING ACT AMENDMENT BILL.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (108) An Act to amend the Canada Shipping Act. He said: This is a mere verbal change and a short one. If a seaman or apprentice lawfully engaged in any ship, commits an offence, he shall be liable on summary conviction to certain penalties. It repeals the first five lines of section 187.

Hon. Mr. WOOD—What is the effect of the change?

Hon. Mr. SCOTT—Under the law as it stood, the apprentice or seaman signed a regular agreement or an indenture. In many instances there was no written agreement, and it is to do away with the necessity for a written agreement, in order that whatever contract may be made, whether verbal or by exchange of letters, that the Act shall apply. It is found that, technically, men very often got off, because there was not what was described in the original Act as a duly signed agreement. The Bill removes those words.

The motion was agreed to, and the Bill was read the second time.

### SECOND READING.

Bill (72) An Act respecting the Canadian Northern Ontario Railway Company.—(Hon. Mr. Jones.)

## GRAND TRUNK RAILWAY ACT.

### SECOND READING.

Hon. Mr. GIBSON moved the second reading of Bill (82) An Act respecting the Grand Trunk Railway Company of Canada.

Hon. Mr. FERGUSON—We should have some explanation as to what changes are proposed by this Bill.

Hon. Mr. GIBSON—This Bill came to me from the attorney general in the House of Commons. I did not know it was standing in my name until I saw it on the order paper.

Clause 3 of the Bill reads as follows:

3. The company may purchase, lease or otherwise acquire or provide, hold, use and enjoy, as well in Canada as in such other places as are deemed expedient for the purposes of the company, and either in the name of the company or in the name of a trustee or trustees of the company, such lands, water lots, wharfs, docks, dock-yards, slips, warehouses, elevators, hotels, offices and other buildings as it may find necessary and convenient for its purposes, and enter into agreements respecting the use thereof, and sell or otherwise dispose thereof for the purposes of the company; and may carry on the business of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property; and may subscribe for, take, acquire, hold, guarantee, pledge and dispose of shares, bonds or other securities of any company having for one of its objects the exercise of any of the powers by this section conferred upon the company.

Then clause 5 states that the company may, for the purpose of making provision for the payment of allowances to employees after leaving the service, establish a fund to be known as the Grand Trunk Pension Fund, and may from time to time contribute thereto out of the gross earnings of the company, such amounts as the directors determine.

Hon. Mr. FERGUSON—I was just going to remark that, as is well known to hon. gentlemen, a very important question has arisen with reference to the right of the company to contract itself out of its obligation with regard to injury sustained by its employees. I refer to sections 5, 6, 7 and 8. Hon. gentlemen are aware that this is a matter which has gone to the courts, and a previous Bill, dealing with a fund for the same purpose as this one for the Grand Trunk Railway, contained a provision which prevented that company inserting a clause in their contracts which would enable them to avoid their obligations to employees in the matter of injuries and accidents. Clauses 5, 6 and 7 deal with a pension fund. I was pointing out that provision has been made in the law with reference to that subject, and I am told that under the operation of these amendments and these provisions that the Grand Trunk Railway Company will get back to their old position by which they can contract themselves out of their

obligations to their employees. However, this is a matter that we can deal with in committee, and if there is any weakness in the Bill under which such a thing as that could happen, we will have to look carefully into it when we go into committee.

Hon. Mr. GIBSON—If the hon. gentleman will allow it to go to committee, the solicitor of the company will probably be able to answer his objection.

Hon. Mr. POWER—Clause 5 of the Bill reads as follows :

5. The company may, for the purpose of making provision for the payment of allowances to employees after leaving the service, establish a fund to be known as 'Grand Trunk Pension Fund,' and may from time to time contribute thereto out of the gross earnings of the company such amounts as the directors determine.

The following clauses 6, 7 and 8 read as follows :

6. Any sums contributed to the said fund by the company shall be considered as, and from part of, the working expenses of the company as defined by the agreement set out in the schedule to the Grand Trunk Act, 1893.

7. The directors may make and adopt all such rules, by-laws and regulations not inconsistent with law as they deem proper and necessary for the due and efficient management, administration and disposition of the said fund.

8. Nothing in the preceding sections shall be construed as in any way limiting any powers now vested in the company, but the powers by this Act conferred shall be held to be in addition thereto.

They are given no power at all to make contracts with their employees, by which the employees would be deprived of their legal right to damages. There is a provision in another Act which forbids them contracting themselves out of liability. There is nothing in this Bill which repeals or interferes with the other Act.

Hon. Mr. FERGUSON—When we go into committee on the matter, I shall be able to show my hon. friend there is something here worth considering, and I think the hon. gentleman will be able to appreciate it.

Hon. Mr. POWER—I think I usually do. The hon. gentleman very often does make a point, but we can consider it in committee.

The motion was agreed to, and the Bill was read a second time.

Hon. Mr. FERGUSON.

## SECOND READINGS.

Bill (88) An Act to incorporate the Ontario and Quebec Railway Ferry Company.—(Hon. Mr. Young.)

Bill (91) An Act respecting the St. Maurice Valley Railway Company.—(Hon. Mr. Legris.)

## THE INDUSTRIAL DISPUTES INVESTIGATION BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (36) An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

He said : The title of this Bill gives a very clear indication as to the object that it is hoped will be attained by its passage into law. In the complex civilization we are at present enjoying, there are many industries in which the public are so deeply interested that the stoppage of them inflicts very serious loss and injury on the community. The existence of those industries, and the keeping of them up, are to the advantage of employer and employed alike, and depend on the patronage of the public. That patronage can only be given while the industries are in operation. If they suddenly stop, a very great injury is inflicted on the public, and it is to avert that injury that this Bill is submitted to parliament with a view to making it part of the law of Canada. It is not without precedent. In 1903 we passed a Bill having similar objects in view, but limited entirely to railways. Chapter 55, 3 Edward VII., intituled an Act to aid in the settlement of railway disputes is practically the progenitor of the present Bill. There are other industries that are quite as important, some of them more so than the keeping up of the railway system of the country. We have had an unfortunate illustration of that during the past winter, when, owing to a strike in the mines bordering between British Columbia and Alberta, for months together the strikers refused to continue working in the coal mines, and the result was that a very large number of people, many many thousands, suffered intensely from cold. The coal is there ; the workmen and their employers were there,

but no coal was mined. It was a serious injury to both employers and employees, but the injury to the public was ten times greater. I do not know that I am warranted in referring to what has been stated in the papers, that many persons were frozen to death in consequence of the absence of fuel. We know that, during January and February, startling communications were sent from the Northwest, that people were absolutely without fuel with the thermometer about 30 and 35 degrees below zero, and that they were obliged to burn their furniture and outbuildings and lumber to keep themselves alive, and many suffered intense deprivation. It is with a view to preventing a recurrence of such troubles that this Bill is now submitted for consideration. It refers to public utilities, such as coal mines, steamships, telegraphs, and telephone lines, gas, electric light, water and power works. It is limited to those particular industries. The idea is that we have always had warning that a strike or lockout is on the eve of happening, because it becomes a matter of public notoriety, and either party may apply to the Minister of Railways for the formation of a Board to be known as a 'Board of Conciliation and Investigation.' Once the minister forms that board, the parties are not allowed either to strike or to lockout—they must continue on. Each of them is then called upon to name a person to act on this conciliation board. When those two persons are named, they first consider the grievances of the two parties and, if possible, settle them without calling in a third arbitrator. If they call on a third, the choice rests with the two and it is only in the event of their absolutely failing to agree among themselves as to the referee that the minister is invoked. When the third party is appointed, they meet together and the grievances on each side are fully gone into, and, during this period, the men must continue to work. The important clause, which is an executive one, provides that:

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a board of conciliation and investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike.

The relations of the parties then remain unchanged while there is a possibility of the dispute being settled. As a rule, as time goes on and public opinion is brought to bear on occasions of that kind, not only the employers but the men are willing always to make some compromise. They are still at work in the ordinary way; wages are being paid at the same rate, and that having continued for some time, and public opinion being invoked as it would be, an arrangement is almost certain to be arrived at. That has been the experience in the past. When passions cool and minds are in a calmer state, arrangements are usually made, compromises are offered on each side. If no settlement can be effected after a reasonable time, things go back to their original condition and then it may be a strike or lockout, so that the law is not carried to anything like what might be called an extreme. Clause 24 is another important part of the Bill. It provides:

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the board, a memorandum of the settlement shall be drawn up by the board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the minister.

Clause 25 is also important:

25. If a settlement of the dispute is not arrived at during the course of its reference to the board, the board shall make a full report thereon to the minister, which report shall set forth the various proceedings and steps taken by the board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Under the influence of these provisions it is felt that a settlement will certainly be arrived at. At all events, hon. gentlemen will, I am sure, appreciate this legislation and agree that it is in the proper direction, its object being to at least minimize some of the serious injuries which have been inflicted on society in consequence of strikes within the last few years. I shall be glad to give a fuller explanation of the clause, when the Bill is referred to

a Committee of the Whole. I have called the attention of the House to the important parts of the Bill. All the other clauses simply relate to the machinery for carrying out the idea that is contained in the Bill.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman, on a former occasion, indicated a desire to pass this Bill through rapidly, I was one of those who took objection to the course suggested, and it was for the reason that I had not had an opportunity of looking through the measure and seeing what amendments had been made by the House of Commons to it as originally introduced. I have read with some little care and attention the comments of the press, and also of labour unions and corporations which may be affected by the passage of this Bill, and when I saw that neither party was satisfied with its provisions I came to the conclusion that on the whole the Bill must be pretty nearly right. After having examined it somewhat carefully during the time that has been at my disposal, I think that the amendments which have been made to it will make it less objectionable to both parties. I need scarcely say that I have always had, and still have very strong opinions upon the question of the action, rather than of the organization of trade unions. As originally organized, and if properly conducted at the present day, trade unions would enure to the great advantage of the labouring classes of the community. Those who, like myself, have objected to the excesses to which members of these unions have resorted, have been accused of being opposed to the labour element of the country. That I repudiate so far as I am concerned, and I think I speak for those also who have taken the same view on this question that I hold myself.

Hon. Mr. GIBSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Men like myself, who have been earning their bread since their boyhood, can scarcely be accused of being opposed to those who labour for their living. What I have contended for, and what I think the country should well understand in placing legislation on the statute-book, is that we should avoid giving power to any organization whether being of labourers or of capitalists, which would enable them to terrorize over their fellow-men. It is well-known that some organizations have gone so far, when their demands have been refused by their employers, as to resort to excesses which would almost lead one to believe that we no longer live in a free country. The issues between labour and capital are becoming of so important a character that every man who desires the well-being of society, and to see his country prosper, should be exceedingly careful in legislating on questions of this kind. I notice that in this Bill the employer and those who are employed are placed upon an equal footing. That is only equitable and proper. We should have no legislation which places power in the hands of a mob to terrorize over others who happen to have the capital to establish an industry. That the question of dealing with capital and labour is a difficult one no body will dispute. Hence a moderate Bill—and I look upon this Bill as one of that character—is probably the best that could be done under the circumstances. In committee we can discuss the clauses of the Bill more fully, and suggestions may be offered to improve it as a whole. I admit frankly that the Bill is less objectionable than I thought it was, or as it was when originally introduced. It is quite evident that the minister who had this Bill in charge has accepted many of the suggestions offered by the opposition in the other House. It was a course which showed his desire to remove the whole question from the political arena, and it is with that view I am quite sure that the Senate will consider it when it goes into committee. There may be differences of opinion on minor points, but, on the principle, I think we are all agreed. The labour party may have been justified in striking on many occasions, and in protesting against the treatment they were receiving from their employers, but nothing can justify cruelty and outrages which have been resorted to in many cases when the labour party could not secure all that they demanded. I think the criminal law should be strong enough, when strikes similar to those which have occurred in recent years happen, to visit those who resort to outrage with condign punishment. I am not speaking on behalf of the

capitalists or of the labourer. Both have rights, and if the employer thinks he cannot pay the wages demanded from him, it is his right to refuse the increase. It is equally the right of the labourer to refuse to work unless his demand is conceded. Those are general principles which should guide all our legislation, but no man or body of men should have a right to prevent others from working. That is the ground I take, and the principle upon which all legislation of this character should be based. I have no doubt the Senate will consider carefully every clause in this Bill, and I hope there will be no attempt to railroad it through the committee, as some very important Bills have been rushed through in the past.

Hon. Mr. CLORAN—I have just one word to add to the remarks of the hon. senator from Belleville, and it is this: I consider this a very happy effort to put useful legislation on the statute-books. It augers well for the Bill, to have it received in such a manner by this honourable House, and I can assure the members of the Senate that the vast masses of the people of this country will feel that we have done right in accepting said Bill in the spirit which has been shown here to-day.

The labouring classes of this country have been under somewhat of a cloud, as can be assumed from the remarks passed by the hon. senator from Belleville, and no other hon. member of this House must run away with the idea, that because excesses took place, or extravagances are permitted by individual members of a trades union, that unionism is a poor thing in itself. On the contrary, it is the safeguard of our social relations, and our industrial relations. Trade unionism, no more than the medical fraternity, and no more than the legal fraternity, wish to infringe the rights of others. Medical men combine in a medical union to safeguard their rights; but, as I understand, it does not combine to trespass on the rights and privileges of other classes. So likewise do the members of the bar in every district in this country. And so do capitalists and bankers and manufacturers. Now, what we have so willingly accorded to these classes we should not grudgingly accord to the labouring classes, who are, in the long run, the essential element of this country. They are the makers and producers of wealth. I am glad to say that, owing to the keenness of the minister who framed this Bill in putting his own brain and heart into it, and not refusing the brain and heart of others, he has given us a Bill which appeals to the best sentiments of all classes in the community. The object of the Bill is to put elasticity into the relations that are strained between capital and labour. When relations become strained there is liable to be a break, and somebody has to suffer owing to that break. The object of this Bill is unique and simple. It is, when relations become strained, or are about to become strained, the government of the day or the minister of the day, shall have the power, under this Act, to introduce a feeling of good will in place of the animosity that may have sprung up owing to the strained relations; to introduce into the situation an elastic condition of things, so that there can be pourparlers between one side and the other to arrive at a common beneficial result. That is the sole object of the Bill. It is a very long Bill, quite a number of clauses in it, but they are only mechanical or material clauses. They are for the nomination of a board of conciliation, and the definition, in the first place of lockouts and strikes. That takes a page or two. And then there are three or four pages with reference to the organization of a board. These are material facts which ought not to take too much time in this honourable House in arriving at a decision, and I state, notwithstanding what the hon. senator from Belleville would say, that no effort would be made to railroad this Bill through the House. It is not necessary to railroad it through the House; but I may point out to this honourable House that since yesterday the country has been notified by the authorized leaders of labour in the Dominion parliament and by authorized leaders of labour outside, that this Bill should go into effect as soon as possible in view of contingencies that might arise in a very short time, so that if there is any effort made in this honourable House to put the Bill through as soon as possible, I say it would not be with the object of railroading it through, but rather that the

labour elements demand that it shall be put on the statute-books as soon as possible. That shows a good condition of things on their part, and I have every confidence that the Bill as drafted will not require very many amendments. There may be a few verbal amendments necessary, but the object of the Bill cannot be interfered with. The means suggested to carry out that object are just as efficient as human intelligence and experience can devise at the present time. Probably in the working of it out we may come to other conclusions in regard to it. At the present moment, after reading the Bill and studying it and digesting it, I think it is just as fair a piece of legislation as can be put on the statute-books, in regard to the relations between capital and labour.

Hon. Mr. FERGUSON—This is probably the most important Bill that we will have to consider during the present session. I am not blaming anybody, but I think it is very unfortunate that we should be forced to consider it under pressure, and that is what we are doing now. In place of having two days' notice after the Bill was read the first time, we are forced to give it a second reading on one day's notice, and without that opportunity of considering its provisions that we should have, considering the great importance of the interests that are involved. For my own part, I never find it of very much value to study the House of Commons Bill, because I do not know what I am dealing with. The very provisions I may be preparing to criticise may be changed when the Bill is finally submitted to us, and I think other hon. gentlemen have experienced the same difficulty. It is absolute folly indeed to commence the study of a Bill until you have it in the form in which it has passed the House of Commons. We were not in that position until to-day, and now we are reading the Bill a second time, and further, a rule is to be suspended to go into committee upon it. The remark of the hon. gentleman from Belleville is perfectly correct, that, after all, it is railroading this important measure through the House. We are driving it through under pressure of time, which we should not do, and I am very strong on that point, that no consideration of a desire for an adjournment, or anything of that kind should induce hon. members of this House to treat a Bill of this kind with less seriousness and less deliberation than it deserves. Many Bills have come before us since I have had the honour of a seat in this House, dealing with questions as between labour and capital, on which we have had various opportunities of placing our views on record. Some of these Bills, to my mind, seem to have had as their object the establishment of a boycott on the part of labourers to enable them to coerce their fellow employees into strikes, and forcing their employers with regard to the men whom they should employ in their establishments. My voice has always been found against any such Bills as that, and I have not changed my views in the slightest respect with regard to them. Great and important questions as between labour and capital are involved in the consideration of the Bill that is now before us, and with regard to that, I think it is a fair position to take that capital is generally quite able to take care of itself, and that the sympathy of parliament is due in a large measure to the labourers, who, notwithstanding any organizations that they may affect, will still be at a disadvantage in their contests with capital, which is always organized. Capitalists can say they put their capital in, and the question arises, what is the origin of this capital? The larger part of it originates in this way: the small earnings of the poor and middle classes are deposited in the banks at low rates of interests, and banks loan to capitalists, and capitalists give employment to labourers, and the money goes right around. I am not finding fault with the system, but that is the order of things. And when you come back to first principles, you find a great deal of the money that is called capital on the employers' side of the question, is the accumulations and earnings of middle classes and the poorer classes of the community. All that has to be considered in dealing with a measure such as this. The Bill as it comes before us only deals with labour troubles, disputes as they are called in the Bill, on certain classes of works. They are those that occur in mines and in industries connected with public utilities. I do not find any interpretation in the Bill of what 'public utilities' mean, but I presume it is a limited interpretation with regard to railways, and cognate undertak-

ings of that kind, and the mentioning of mines would imply that the other industries of which the mines form a class are left out and not considered or provided for in the four corners of the Bill which is now before us; that the application of the Bill will only be to lockouts and strikes in mines, and to industries connected with public utilities. I am not sure that this is unwise as a tentative step. I am not going to take that ground, because after the experience of last year in reference to the disastrous, I might say, results that followed the strikes in the coal mines in the west, the matter has forced itself on the attention of all thoughtful men, and it became the duty of parliament to provide, in a cold country like this, where fuel is so essential to the very existence of the people, that strikes of coal miners should be brought under control and prevented if possible, in order that the people may not be compelled to endure the suffering which a great many poor people endured in the western country a portion of the present year. There is that limitation to the Bill, and there is another provision with regard to arbitrations that are going to be conducted under its operations. Wherever a dispute arises and a strike or a lockout is threatened, there is machinery in this Bill providing for an arbitration between the parties to the dispute; but the Bill does not go any further than providing that arbitration. No doubt a good arbitration appointed and brought into existence in that way will go a long way to bring about a settlement between reasonable men, and it must always be borne in mind that the great bulk of men are reasonable, if some dangerous man does not get into their councils; therefore I apprehend that a great deal of good will result from the operation of this Bill in preventing strikes and bringing about settlement. I think it might be safely taken for granted that we could hardly stop at that stage, that we ought to go further and make the settlements which are brought about with such great care under arbitration, which would be clothed with almost judicial functions final and conclusive, so that we would end strikes altogether. I am not going to urge an argument upon that view. I do not claim to be in possession of information upon the subject which would enable me to arrive at a positive conclusion. I do not come from a part of the Dominion where there are large utilities of this kind, or where there are large industries, and no doubt hon. gentlemen who belong to parts of the country where industries of this kind are largely carried on, are much more able to form opinions and give judgment upon them than I am. I am not going to impugn the wisdom of the Minister of Labour or of the government in stopping short of compulsory settlement. Probably one or two steps are enough to take at a time, and the latter and the final step may be taken after we have more experience. I have not had very much opportunity to look over the Bill, I confess. The House of Commons have had very ample opportunity. It was introduced in the Commons on the 17th December, and finally disposed of in that branch of parliament on the 19th March, giving the House of Commons over three months time to consider it, and we are given less than two days. I do not think we are doing ourselves justice in submitting to this treatment. However, there is no doubt the Bill comes to us in a very much better form than it was when introduced in the House of Commons. The time and careful consideration that has been bestowed upon it there has not been wasted or in vain, and it has produced a very well thought out Bill. But from my experience over many Bills which have had just as much consideration given them in the other Chamber, when we took a reasonable time and gave a fair and perfect consideration to such Bills, we are able to suggest improvements that were readily accepted by the House of Commons and proved to be of great value. I do not think it is at all unlikely therefore, if we had the time to discuss this Bill carefully, clause by clause, in a deliberative manner, that the same result would follow, and it is a pity that course is not being pursued. However, I think the House has made up its mind to dispose of the Bill as rapidly as it can. There is a strong desire for an adjournment, in which I do not at all coincide; nevertheless, that being the will of the House, we will have to do the very best

we can, and with these observations I have no further remarks to make with regard to the second reading of the Bill.

Hon. Mr. POWER—I think the Minister of Labour has reason to congratulate himself on the manner in which this Bill has been received. There has been really nothing said against it. The hon. gentleman from Belleville praised the Bill as a whole, and the hon. gentleman who has resumed his seat, as to whom I think one may truly say—and I do not say it in any offensive spirit—he is nothing if not critical—has to admit that the Bill in itself is good, and the criticisms which he has made are not criticisms of the Bill itself, but of the manner in which the Bill has been dealt with; and inasmuch as the Bill must be nearly perfect, the hon. gentleman will not expect me to say anything further in respect to it. Perhaps if I had permitted the hon. gentleman from Stadacona to precede me, he might have found some fault with it. I was somewhat surprised at the statement which the hon. gentleman from Marshfield made when he sat down. He expressed the fear—I took it as a fear—that the members of this House were actuated by the desire to adjourn at an early date for Easter, and that was a sentiment in which he did not concur. Hon. gentlemen are aware that at the present time the crossing of the Straits of Northumberland is very unsatisfactory; and the hon. gentleman from Marshfield probably feels that if we were to adjourn to-morrow he would not have a chance to get home. If we were to remain here for a week or so discussing the Bill, then the crossing might be easier, and the hon. gentleman could get home. I only throw out that suggestion. I do not mean to say that is the case, but that is the possible explanation of the hon. gentleman.

Hon. Mr. FERGUSON—I can always get across the straits when I want to—anybody can.

Hon. Mr. POWER—Crossing by the capes is not very satisfactory at this time of the year. The hon. gentleman was not very accurate I think when he attributed the haste, if one may say so, with which this measure has been considered, to a desire for adjournment on the part of the hon. members. That really is not the case. The members of this House are not influenced by any selfish motive such as that. The sentiment which influences members of this House has been already indicated by the hon. Secretary of State when he introduced the Bill. There are grave reasons why this measure should become law before the 1st of April. That is the reason why we are hurrying. It is now the 21st March.

Hon. Mr. LANDRY—Why suspend the rule?

Hon. Mr. POWER—I am not saying it is absolutely necessary to suspend the rule; but that is the reason why it is important that no time should be lost; and the hon. gentleman, although he thought that we should have had three months to consider this measure as the Commons had, really answered that objection himself, before he sat down, because he pointed out that the whole subject had been very fully considered in the Commons. The Bill has been very much improved, as a result of consideration and discussion in that House; and I add this as a natural conclusion, that there are very few issues upon which this House can divide or upon which there can be very much difference of opinion. All that we can hope to do here is perhaps, in some places to improve the wording of the measure. I do not think that the hon. gentleman has suggested that any substantial change can be made. There were certain things which he said he hoped would come by and by, but I think both he and the hon. gentleman from Belleville recognize the fact, that as things now are the Bill goes about as far as it should go, and consequently we have nothing to do, I think, but consider in committee the details of the measure and improve its language if we can.

Hon. Mr. McMULLEN—I desire to offer a few remarks. Permit me to say that I am very much pleased that the government have felt it their duty to bring in this Bill, and I am very glad to notice the spirit in which these provisions have been met in this House. I earnestly hope that its application to the conditions of our country will be most advantageous, and that we will not have the number of strikes and such an unfortunate condition of things in Canada as we have had in the past, after it becomes

law. I do hope it will accomplish the anticipated results that have been outlined in its introduction. I have read over carefully the views that have been expressed, and I do hope it will prevent a repetition of things that have taken place. Permit me to add, that if it had not been for this Bill being introduced, I would have pressed more strongly and forcibly, if it were possible for me to do so, the consideration of the measure which received the six months hoist yesterday. I am willing to give the promoters of the Bill a full opportunity of seeing what can be accomplished under it, but I do say if we are to have a repetition of our experiences in past years, by strangers coming in and inciting strikes and taking part in them, I shall consider it my duty to introduce the Bill that was rejected yesterday, and press it with all the power I can bring in its favour, in order to prevent the continuation of a condition under which we have suffered in the past. I do hope that this Bill will prevent it, and in order that it may, I shall give every assistance in my power in giving it effect. I hope the effort of the government will meet with success in so far as the provisions of the Bill are concerned.

The motion was agreed to and the Bill was read a second time.

## RAILWAY ACT AMENDMENT BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (3) An Act in amendment of the Railway Act, 1903.

(In the Committee.)

Hon. Mr. POWER—Turning to section 159 of the Railway Act, I am unable to quite understand what the object of the Bill is. The sections which precede 159 in the Railway Act deal with the taking of land by a railway company. Then the company have to give the owner notice, and if, within ten days after the serving of the notice, or within one month after the publication thereof, the owner does not give notice that he accepts the sum offered by the company, the judge shall, on the application of the company, notice of which shall be given to the opposite party, appoint an arbitrator to determine the compensation to be paid to the owner. This Bill now before us proposes to insert the words 'Or the opposite party,' but you see it is the opposite party who is in default. I do not know that it is going to do any particular harm. The hon. gentleman from Wolseley would do well to leave the section in the Railway Act as it is at present.

Hon. Mr. CASGRAIN, from the committee, reported that they made some progress with the Bill, and asked leave to sit again.

## INDUSTRIAL DISPUTES INVESTIGATION BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (36) An Act to aid in the prevention and settlement of strikes and lockouts in mines and industries connected with public untilities.

(In the Committee.)

On subclause (2) and clause 4,

2. The office of registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the registrar.

Hon. Sir MACKENZIE BOWELL—This clause leaves it optional with the Governor in Council to appoint a registrar and takes it out of the hands of the Minister of Labour.

Hon. Mr. SCOTT—He would be appointed by order in council, on the recommendation of the Minister of Labour.

Hon. Sir MACKENZIE BOWELL—Is it the intention to have an additional official ? This gives the government power to make the appointment, and, no doubt, it will be done.

Hon. Mr. SCOTT—You will notice that any official in the Labour Department may exercise the powers of registrar.

Hon. Sir MACKENZIE BOWELL—I understand that, but it will be an additional officer and an additional salary.

Hon. Mr. SCOTT—Not necessarily, unless it develops into an important office

which must be kept up continuously. Otherwise, an extra clerk who has not very much to do might be appointed registrar.

Hon. Mr. FERGUSON—We should have some explanation why that provision was made. I cannot see why a registrar should be named not by his own name, but by reference to some other office he holds.

Hon. Mr. SCOTT—Hon. gentlemen will see that it is absolutely impossible to foreshadow what the duties of a registrar shall be. It is a new idea altogether. It is quite likely that a clerk who is now employed in the Labour Department may be registrar. If, however, the duties become considerable, it may be necessary to name some person outside altogether. Latitude is given, so that action may be taken according to the circumstances of the case.

Hon. Mr. FERGUSON—It might be possible, under this clause, to appoint some person who is now an official of the Labour Department to act as registrar, under the name of the office that he now holds. Why should he not hold the title of registrar ?

Hon. Mr. LANDRY—The objection is to the second part of the clause

And in the latter case the registrar may, if the Governor in Council thinks fit, be appointed not by name but by reference to such other office.

Why is this provision made ?

Hon. Sir MACKENZIE BOWELL—I understand the clause means simply this : It gives power to the Governor in Council to appoint a registrar who holds no other position in the government ; but it also enables the Governor in Council to appoint a Deputy Minister of Labour or the Minister of Trade and Commerce by the name of the office he holds, instead of using his own name. Or they may say that a first-class clerk in some department shall act as registrar.

Hon. Mr. SCOTT—That is correct. The language is perfectly plain, and I do not see how there can be a second opinion upon it.

Hon. Mr. FERGUSON—We know precisely what is to be done ; but I cannot see why, in appointing an officer, he should not be designated by his proper name ? Why should he, as it were, lose his identity, so far as his name is concerned ? There is no objection to combining two officers, but why should the second appointment be by reference to his other office ?

Hon. Mr. SCOTT—I suppose there are various positions in the civil service where extra duties are imposed on the chief clerk or some other officer. It is not a matter that is likely to arise. It is rather unfortunate drafting—it is too full.

Hon. Mr. LANDRY—Here is another case ; suppose a man is appointed from outside the department, he is appointed by his name, but if an official in a department is given the position of registrar, you say we appoint a second-class clerk to act as registrar, but you do not give his name—Why ?

Hon. Mr. SCOTT—That is just an alternative proposition. The Governor in Council may name John Brown as registrar. If he does not do that, an officer in the Labour Department may be named, and it may be, say, the chief clerk shall act as registrar.

Hon. Mr. FERGUSON—Assuming his name is Smith, why not call him Smith ?

Hon. Mr. JONES—The only object is, if he were superseded in his chief clerkship by Jones, it would necessitate a new order in council for his appointment. As it is now, they will require to make only one appointment, and so long as they kept the office filled, the person filling the office will be the officer under this clause. That is the only object there possibly can be in having the clause read as it does.

The subsection was adopted.

On clause 5,

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the minister for the appointment of a board of conciliation and investigation, to which board the dispute may be referred under the provisions of this Act : Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

Hon. Mr. DAVID—Does this clause mean that none but the parties to the dispute may make an application ?

Hon. Mr. SCOTT—This is limited to either the employer or the employees.

Hon. Mr. DAVID—So the municipality cannot make an application.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—Well, what is the meaning of the proviso ?

Hon. Mr. SCOTT—The railway employees have a union, and the Act passed in 1903 referred to that. They intimated their desire not to come under that Act in all particulars, but still to come under the Railway Labour Disputes Act. It was simply an expression of desire on their part to come under that particular clause.

Hon. Mr. FERGUSON—Will this be optional or imperative, that all disputes of this kind are to be taken out of the operation of this Act ?

Hon. Mr. SCOTT—It arises in this way ; the railway employees have made a study of this question, and they said they preferred, if a dispute arose with the company, that they should come under that clause.

Hon. Mr. FERGUSON—Suppose the railway employees should exercise their option to have this matter dealt with by the Railway Conciliation Act instead of under this Bill, and suppose the railway authorities should take the other view, would this clause be imperative in that case ?

Hon. Mr. SCOTT—Clearly.

Hon. Mr. FERGUSON—It is not an imperative provision—I would read it as an optional measure. If you make it optional you should say who may exercise the option ?

Hon. Mr. SCOTT—The minister would have a right to say.

Hon. Mr. McMILLAN—In the Act of 1903, in the case of a dispute between the employees and the railway company, the municipality interested may make the application, so that that provision has reference to the fact that a third party may apply to the board as well as the parties who are named here as disputants.

Hon. Sir MACKENZIE BOWELL—I do not think that answers the question at all. Who has the power to refer it and who has the power to refuse ? Is it the Governor in Council, or the railway employees, or the railway company ?

Hon. Mr. ELLIS—I agree with the hon. member from Belleville, that it ought to be clearly stated.

Hon. Mr. JONES—If under this provision a dispute of this nature arises then such dispute may be referred——

Hon. Sir MACKENZIE BOWELL—By whom?

Hon. Mr. JONES—If by any person, surely by the Minister of Labour, who will have the general administration of the Act. I should think that is the meaning of it. If not, it is extremely doubtful what the result would be.

Hon. Mr. SCOTT—Clause 6 explains it all.

Hon. Mr. JONES—That does not meet the point at all.

Hon. Mr. FERGUSON—The general principle of the Bill is that an application must come from one of the parties, and as soon as that application is received by the board then the minister proceeds to act. In that case, I do not see how the Minister of Labour has any power to refer it, unless there is some machinery provided in the Bill for reference to another board.

Hon. Mr. JONES—Is it desirable, if a railway company makes an application, that the Minister of Labour should have the right of deciding whether it should go under the Railway Act or under this measure? Because, as I understand it, that matter may be so decided. That seems to leave it optional to the administrator under this Act.

Hon. Mr. SCOTT—Under section 3 of the Railways Disputes Act it is evidently left to the minister.

Hon. Mr. FERGUSON—The interpretation clause clearly includes railways. Clause 5 would seem to provide that railways should be left out.

Hon. Mr. SCOTT—If they so desire.

Hon. Mr. FERGUSON—Who is to exercise that desire?

Hon Mr. SCOTT—The parties themselves.

Hon. Mr. FERGUSON—But if they do not agree ?

Hon. Mr. SCOTT—The minister may.

Hon. Mr. FERGUSON—Where is the provision that would enable the minister to act if an application comes from either party, because if the proviso in section 5 takes them out of the Railway Act—which I think it plainly must do—it must provide who shall have the right to decide whether one party to the dispute shall take it out of the operation of the Act, or whether the other shall. You must have machinery to settle that. I think the intention is to take them out absolutely. You find clause 6 provides how the minister shall proceed when the reference is not a railway dispute.

The CHAIRMAN—Does not clause 6 mean this : That if a railway dispute arises which has not already been referred under the Act of 1903, the minister may Act?

Hon. Mr. FERGUSON—I cannot see it. As I understand it, this proviso is that disputes may be taken out of the purview of this Bill, but who is to exercise that option? Will one party have the power ? It seems to me there ought to be an option given, or provision made, that both parties must concur.

Hon. Mr. SCOTT—It rests entirely with the minister on the application of the men.

Hon. Mr. POWER—There is some little doubt as to the point here and we might as well set it at rest. As has been pointed out, one party might say they did not wish to come under the terms of the Conciliation and Labour Act, while the other did so wish. The better way would be to insert in line fifteen, after the word 'may' the words 'on the application of either party.'

Hon. Mr. SCOTT—In the third line it says : 'Either of the parties to the dispute may make application to the minister.'

It being six o'clock, the committee rose for recess.

## After Recess.

The committee resumed.

Hon. Mr. SCOTT—I do not really see any necessity for the change. I think the intention is absolutely clear. By this Bill there is a large amount of discretion given to the minister, and I am quite sure no party will interfere with the decision of the minister.

Hon. Mr. FERGUSON—May I ask the hon. gentleman whether, under the Railway Conciliation Act, the Minister of Labour is to be the minister there ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Or would it be the Minister of Railways ? The Act provides that any minister may be named.

Hon. Mr. SCOTT—No, it means the Minister of Labour. In the Act of 1903 the words are :

> The expression 'minister' means the Minister of Labour.

Then I refer hon. members to sections 64 and 65 of this Bill, which shows that the evident intention was to rest the sovereignty in the minister, and, therefore, I do not think we should be too exacting in the phraseology, because the various clauses have been very thoroughly considered. They have been three months at it in the Commons, and the clauses have been changed to suit the gentlemen who have taken an interest in the Bill. I should regret on that account any interference with the Bill.

Hon. Mr. POWER—The logical sequence of the view of the hon. Secretary of State is that we should not go into committee at all. The hon. gentleman says 'you are in committee, but you are not to amend the Bill.'

Hon. Mr. SCOTT—I have given you my explanation.

Hon. Mr. POWER—I have heard it given also with respect to other Bills. I think the Bill is here for the committee to deal with, and if we think we can improve it, it is our duty to do so. That is what the Senate is for, and we shall not waste time unnecessarily over it. I wish to say now, after further consideration that I do not think that the amendment to the 5th clause is necessary and I therefore do not press it.

Hon. Mr. FERGUSON—We have still had no explanation. I will venture to offer one of my own, which is somewhat different from that which has been given from the government side of the House. After having

had a little time to look over these clauses, and looking at the interpretation clause, and the exception there made with reference to railways, the conclusion I have arrived at is that the proviso in section 6 allows these cases, as far as they relate to railways, to go to the Railway Conciliation Board, and to be operated under that Act, and that the 6th clause of this Bill gives the minister power, on receiving application to institute proceedings under this Act except where a reference has been taken under the Railway Conciliation Act with regard to railway matters, and where that has occurred he has no jurisdiction to institute an investigation under this Act at all. It would be made very much clearer by the introduction of a word or two; but, after considering the matter, I think it is fairly clear as it is. Although I have not followed the history of the Bill, I think these changes were made after the Bill was framed, at some subsequent stage in the House of Commons. As my hon. friend, the leader of the House has intimated, the railway people have expressed a preference to have their disputes dealt with under the conciliation and labour Act, otherwise known as the Railway Conciliation Board. That proviso, in section 5, was supplemented by what you might call a parenthetical clause in section 6 in order to make provision for that. Then the application having been made under the Railway Conciliation Act, and the same minister acting for both, and finding that action has been taken there, he has no power, even if he wants to, to institute any action under the present Bill; therefore, the jurisdiction in regard to railway matters, when the application had been made to the railway tribunal, would rest with that one and that one alone. That is the way I read it, and I think there is nothing incongruous about it, after I have had time to consider it.

Hon. Mr. LANDRY—I did not hear the amendment that the hon. gentleman said he would make.

Hon. Mr. FERGUSON—I suggested the introduction of one word that would make it so clear that it could not be misunderstood. It is in clause 6 that amendment would come. In the event of two different ministers administering, one the Railway and Conciliation Act and the other this Act, it would be hard to settle in point of time which moved first.

Hon. Mr. SCOTT—It would be the same minister.

Hon. Mr. DeBOUCHERVILLE—In the interpretation clause, 'minister' means the Minister of Labour.

Hon. Mr. FERGUSON—My hon. friend is right; but, under the Railway Conciliation Act, the government could designate the minister to carry out the law; and if the application were made to two different ministers, it would be hard to determine which side acted first and which Act should be proceeded under.

Hon. Mr. SCOTT—The expression 'minister' means the Minister of Labour in the Railway Conciliation Act.

Hon. Mr. LANDRY—If one of the two parties chooses this board and the other chooses the other board, who will decide?

Hon. Mr. McMILLAN—The minister.

Hon. Mr. SCOTT—The whole spirit of this Bill is to vest in the Minister of Labour very wide powers.

Hon. Mr. FERGUSON—In the Revised Statutes, 1903, it is the Minister of Labour who is to act, but I find in the Act of 1903 it is the minister that may be designated by the government.

Hon. Mr. SCOTT—I do not see how the revisers made the change. I will call the attention of the Minister of Justice to it.

Hon. Mr. POWER—I dare say this idea was in the minds of the revisers: At the present time the Postmaster General is Minister of Labour. The Department of Labour might be attached to the head of some other department. And I suppose that is the reason the change was made in the revised statutes.

The clause was adopted.

On clause 7,

7. Every board shall consist of three members who shall be appointed by the minister.
2. Of the three members of the board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

Hon. Mr. McMILLAN—I should like to have this clause amended to provide that the minister shall appoint a third one from each province who shall be a permanent chairman.

Hon. Mr. SCOTT—Those boards are only to be appointed for the occasion. They are not to be permanent.

Hon. Mr. McMILLAN—But in order to give a standing to the board, and to save time, and get an experienced chairman, the chairman who is an appointee of the minister, ought to be appointed permanently. I am not wedded to the idea of having one in each province, but I think that it is better than to appoint one for the whole Dominion, because the territory would be too large. If hon. gentlemen will look at subclause 4 of clause 8, they will find that the appointment is left with the minister in case the two other members of the board do not name a third arbitrator within a certain time. I admit that he is only appointed for that occasion. If you look also at clause 51, you will find that an allowance of $5 a day is given to these two members of the board who are appointed by the parties to the dispute, and that they are allowed three days to make their choice of a third arbitrator. If money were an object, you would save money by having a permanent chairman ; but what is really to my mind, of greater importance is, that the standing of this board would be very effectively increased if a permanent chairman were appointed for the province, or any other division they may choose within the Dominion.

Hon. Mr. GIBSON—While I have no doubt my hon. friend means very well, the trouble would be that the government would practically have the appointment of two members of the board. What my hon. friend means is, that each party shall appoint a representative to settle the matter and the government to appoint a third one.

Hon. Mr. McMILLAN—What I said was, that in case of the two failing to name a third arbitrator, then it rests with the minister.

Hon. Mr. GIBSON—But before the minister would act, the parties are given a certain time within which to name an arbitrator. If you take that away the government will have the appointment on their own hands, without any reference to the Conciliation Act. What the government wants to do is to let each party to the dispute select its own representative. If they fail to select a third arbitrator, power must be given to somebody to make the selection, and that power is given to the minister. But if the suggestion of the hon. senator from Glengarry were adopted, the government would at all times have a permanent officer as the third arbitrator. That would not be fair, because he might be objectionable to one party or the other. The whole object of the Conciliation Act is that the two parties should select an arbitrator to settle the dispute. To make the government responsible, and to say that they should in each or any province have a permanent third arbitrator would destroy the whole effect of the Conciliation Act. I have a dispute with my men, and name Smith as my arbitrator, and my men nominate Brown. If Smith and Brown fail to agree on a third arbitrator the government steps in for the purpose of preventing delay in settling the dispute, and it is only in the last resort that the minister interferes to name a third arbitrator.

Hon. Mr. FERRGUSON—The suggested amendment is a very good one which should be adopted by this House. There are several strong reasons for it. The first is that, by having a third arbitrator nominated by the government permanently, you would have a chance of getting a better man. Secondly. He would have experience. The experience in one dispute would be valuable in taking up the next one, and he would gain in experience from day to day and from year to year. It would also save a great deal of time. Under clause 51, an allowance of $5 a day is given to the two arbitrators for a period of three days while they are selecting a third man. You may always depend upon their taking the three days.

Hon. Mr. POWER—They are allowed $15 a day when they get to work.

Hon. Mr. FERGUSON—They get $5 a day while they are selecting a third man, and from my experience as a member of the government, in dealing with arbitrators'

remuneration, you may depend on it that it will take the three days to come to a settlement, and ultimately the minister might have to appoint a third arbitrator. It would be a loss of three days which might be of great importance in dealing with a dispute, and the amendment would save the payment of $30 which would go to these two men while they were arguing about the third man. In place of getting an inexperienced man, the government if they had the appointment, would be able to nominate a good man, because there would be employment for him for a good many days of the year. A good many days of the year strikes might be threatened and he might be called from this part of the province or another part of the province, and to my mind there are all these advantages to be gained from pursuing this course. First there is the time saved in getting the board in operation; secondly the money saved while the two men would be choosing the third arbitrator, and then the chances of getting a much more experienced man than you would otherwise have. The man who would be called from place to place to deal with these matters would gain by experience, and you might get a better man to take charge of the work if you offered him anything like a good position.

Hon. Mr. GIBSON—Supposing the government accepted the recommendation of the hon. gentleman from Marshfield, to appoint a permanent arbitrator, where would he reside?

Hon. Mr. TESSIER—In Ottawa.

Hon. Mr. GIBSON—How could he get to Halifax? The hon. gentleman from Glengarry suggested one arbitrator in each province, but he withdrew that proposition. Very often disputes arise very suddenly, and if the arbitrator resided in Ottawa, he would have great difficulty in reaching the point of dispute in three days, in the eastern part of the Dominion or in the sparsely settled districts even of Ontario, and my hon. friend's argument that for the sake of getting three days extra work two arbitrators would delay the choosing of a third for the purpose of putting $30 in their pocket, is a poor compliment to the men selected by the employers and the employees. The men in the locality are always the best men to judge the merits of the disputes. People here might talk of a strike in British Columbia or in Nova Scotia, but we are not able to judge of the circumstances under which these strikes arise, and the only legitimate and practical way of settling a dispute of the kind is to refer it to people on the ground who know the facts.

Hon. Mr. FERGUSON—The question my hon. friend asks me argues strongly in favour of the amendment proposed by my hon. friend from Glengarry. After consuming the three days, as they would be certain to do, in arguing over the appointment of a third man, they might not agree, and then the minister would have to consider the matter and might lose some time before he could get a man to act. He might telegraph to one man, and might not get an answer until the next day, and perhaps he would not be able to get any one to act for a considerable time, whereas if he had a permanent man who would be right on the spot, he would be able to take the matter up at once.

Hon. Mr. GIBSON—My hon. friend has not had the experience I have had with strikes. I have had a strike every week for a whole year on government works, and I know the difficulty. The easiest thing in the world is to create a strike, and the most difficult thing is to settle it, and the employer of labour must think not only for himself but for the employees and with all due respect to the integrity of my hon. friend, and the work he performs in this House, I must tell him that the difficulties he sets up can be very easily settled by the minister, who can easily telegraph to the mayor of the city or some prominent man in the locality to accept the position of third arbitrator.

Hon. Mr. COX—I think it is very important that the employer and the employee should, as far as possible, appoint the men who are going to settle the dispute, and you cannot do it more effectually than by this clause. Each side appoints one arbitrator, and those two appoint a third. Each party appoints one and a half arbitrator, if I may so put it. You get just as near to the parties who are in dispute as it is possible in this way. If a permanent arbitrator were appointed, you

might have 800 men out on strike, as we have to-day at Sydney, and there is every possibility, every probability, of a strike at Fernie almost at any day now; and what would you do with one man appointed by the government, with two or three strikes in different parts of the country? Then, again, there is another difficulty: These positions become government appointments, permanent appointments, and fairly good appointments, and they would become political appointments, and it is very important to have that element eliminated from these arbitrations. Let the contending parties appoint their own men; and if they do not do right, their own appointees are the ones who have failed. I think the arguments are strongly in favour of the clause as it is.

Hon. Mr. SCOTT—The proposal made by the hon. gentleman from Alexandria would destroy the conciliatory principle that pervades the whole Bill. Does the hon. gentleman imagine that the labour unions would be willing to accept a permanent government official as third man? It would be preposterous. Besides, the same person would not be eligible. Here are a number of utilities. If there is a strike on a steamship, for instance, the man who would be selected to settle the difficulty would not be the same person who would be selected to settle trouble with the miners. The utilities are different, and the person selected should be a man conversant with the subject in dispute. It would be wholly inconsistent with the spirit of the Act if you were to appoint a permanent person who could not possibly be acceptable to all the parties working in the different utilities. They would say: 'What does Mr. So-and-so know about this matter? He knows nothing about miners.' Would they be satisfied with a man who knew nothing about miners? The underlying principle of the Bill is the will of those protected by it. They have their choice, and they try to agree among themselves to get a third man acceptable to both.

Hon. Mr. FERGUSON—I venture to say that in a large number of cases, if not in the majority, the matter will have to go to the minister, and the appointment will have to be made in this way in the majority of cases.

Hon. Sir MACKENZIE BOWELL—Perhaps my view of this matter may differ from some gentlemen who have given their opinion as to the propriety of allowing the clause to remain as it is. As this is a Conciliatory Act, I think the arguments of the hon. gentleman from Toronto (Mr. Cox) are unanswerable. One reason why I would object to placing the power in the hands of the government is that I have so little confidence in them, and I think their appointments would be of such a character as to render the Bill entirely unworkable. That is one reason why I approve of the clause, and, in a great measure, of many other clauses, because that eliminates from it the power that is usually given to the government. If I had the implicit confidence in the government that my hon. friend from Lincoln (Hon. Mr. Gibson) has, I might not differ from him. I approve of the clause as it is. I think the least the government has to do with any of these appointments the better it will be for the successful carrying out of the object of the Bill.

Hon. Mr. DeBOUCHERVILLE—If the government insist on this clause, I will vote for it; but it seems to me there is a better way, which I will suggest without wishing to make a motion. There is no doubt that if the government have to name the third arbitrator, the matter will become a party affair. If, instead of that, we provided that the Chief Justice would name the third arbitrator, I do not think either the employer or employees would object. If the government makes the appointment, it might be suggested that they would be more on the side of the employer than that of the employee.

The motion was declared lost.

The clause was adopted.

On clause 8,

8. For the purposes of appointment of the members of the board, the following provisions shall apply:

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the minister, recommend the name of one person who is willing and ready to act as a member of the board, and the minister shall appoint such person a member of the board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the minister, on cause shown, grants, the minister shall, as soon thereafter as possible, appoint a fit person to be a member of the board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the board, and the minister shall appoint such person a member of the board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the minister, on cause shown, grants, the minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the board, and such member shall be deemed to be appointed on the recommendation of the two other members of the board.

5. The third member shall be the chairman of the board.

Hon. Mr. FERGUSON—Subclause 4 of this clause which states that the third arbitrator shall be deemed to be appointed on the recommendation of the other two members of the board, is a remarkable provision. When the two arbitrators cannot agree on the appointment of a third, the minister is called upon to make the appointment, but this sub-clause states that he shall be deemed to be appointed on the recommendation of the board.

Hon. Sir MACKENZIE BOWELL—Can the hon. Secretary of State inform us why we should enact a falsehood?

Hon. Mr. SCOTT—It is not a falsehood.

Hon. Sir MACKENZIE BOWELL—The appointment by the government of a member of the board can only take place if the others do not appoint him, and they fail to recommend anybody; yet that appointment is declared to be on the recommendation of the other two members of the board—the recommendation that they have positively declined to make.

Hon. Mr. SCOTT—Go back to section 7, subsection 2:

2. Of the three members of the board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

And it is on that assumption that he takes the place as if he were appointed by the two. He stands in that position.

Hon. Sir MACKENZIE BOWELL—He stands in the position as if he had been recommended, but he has not been recommended, and this clause declares he was.

Hon. Mr. POWER—The Bill says that he shall be deemed, and dealt with and regarded in the same way as if he was so appointed.

The clause was adopted.

On subclause (3) of clause 15:

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the board representing the party or parties making the application.

Hon. Mr. PERLEY moved to strike out 'and desires.' He said: It would show that the man was partial.

Hon. Mr. SCOTT—It means this: The men meet and name one of their number, who is asked if he is willing to act. He says, 'Yes, I am willing. I desire to act as your representative.' There is nothing wrong in that.

Hon. Mr. FERGUSON—There might be many men who would object to have it said about them that they desire to act.

Hon. Mr. SCOTT—It is for the men to act.

Hon. Mr. WOOD—Do I understand from the hon. Secretary of State that a person who is to act on this board representing one of the parties in the dispute may be one of the interested parties?

Hon. Mr. SCOTT—Usually, in the case of a strike, one of the principal men of the union acts. For instance, when we had trouble here at the Bureau the man who came to act for the men was a man from Indianapolis, a member of the union. He took charge of the whole movement. He was called on and he said: 'Yes, I am prepared to act.'

Hon. Mr. SULLIVAN—I cannot see any objection to selecting one of the strikers. The men naturally employ one of themselves who will be zealous to act for them.

In the same way the employers select a partisan.

Hon. Mr. POWER—I wish to direct attention to the fact that clause 11 of this Bill provides that no person shall act as a member of the board who has any direct pecuniary interest in the issue of a dispute referred to such board. If it is a question about wages it would come under that.

Hon. Mr. SCOTT—No.

Hon. Mr. POWER—The meaning is perfectly clear A man whose wages would be affected by the result should not be a member of the board. While I do not undertake to move an amendment, the amendment proposed by the hon. senator for Wolseley is a proper one. Looking at the character of the duty which the arbitrator has to perform, the man who would be anxious for that position is not the right sort of a man to appoint.

Hon. Mr. SULLIVAN—How are you going to select an impartial man?

Hon. Mr. POWER—A gentleman may be willing and ready to do an unpleasant thing for the sake of the body he belongs to, but to say that he desires to do it is a different matter altogether. The hon. gentleman, I have no doubt, has felt it his duty to leave his comfortable home between midnight and sunrise to attend a patient, but he did not desire to do it.

Hon. Mr. SULLIVAN—I desire to do it, to make money out of it.

Hon. Mr. FERGUSON—Three things may be stated in this application—he is willing and ready and desires. Men may be found who are both willing and ready, and yet it would not be true to say that they desire to undertake such a duty. The words 'and desires' are not only superfluous but objectionable.

Hon. Mr. SCOTT—They were not in the original Bill, but were introduced after discussion, in the House of Commons, and the minister accepted them because he did not think they would be any harm.

Hon. Mr. FERGUSON—Every one may not think as the minister or the House of Commons think; and the hon. gentleman's argument that we must not make even this change because the House of Commons put the words there, would be an excellent argument for abolishing the Senate; but it is not an argument to address to this House. I complained this afternoon that we were pressed to pass this Bill in a great hurry. Our dealing with the Bill is simply farcical, because there is a determination not to accept a single amendment. My hon. friend has told us that the House of Commons had given us a perfect Bill and therefore we had nothing to do but close our eyes, open our mouths and swallow it.

Hon. Mr. SCOTT—When this Bill was introduced, it was understood that the House was to have a recess and some hon. gentlemen left here under the impression that the recess was to commence on Thursday; finally it was decided that that was not possible and that it would begin on Friday. The House has a perfect right to make changes in the Bill but that means that we will have to sit next week, and that would be unfair to those gentlemen who have gone away under the impression that the Bill would pass without amendment.

Hon. Mr. FERGUSON—The amendments could be dealt with in the House of Commons in the morning.

Hon. Mr. WILSON—The hon. member from Marshfield takes exception to the word 'desires.' If a man is willing to act, can you compel him unless he desires to act?

Hon. Mr. COX—I think the clause would read better with that word out, but it is not of sufficient importance to send the Bill back to the House of Commons if there is no other amendment to be made. If a man does not desire to do a thing, he will not do it. The word is entirely superfluous and means nothing one way or the other; it is simply a repetition of willing and ready.

Hon. Mr. SCOTT—It is not good drafting.

Hon. Mr. POWER—Some hon. gentlemen think it would delay the Bill in the House of Commons if we made an amendment. The House of Commons will only discuss the amendments and I am satisfied they would accept this amendment without hesitation.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State has intimated that

no amendments will be accepted by the government, and for the reason that if an amendment is made it will delay the sanctioning of the Bill by the Governor General, and therefore we cannot have an adjournment to-morrow. That is about the argument.

Hon. Mr. SCOTT—To be frank that is it.

Hon. Sir MACKENZIE BOWELL—If that is accepted by the Senate, what is the use of our considering the Bill at all? It is an extraordinary position for the government to take, to bring down a Bill of this great importance and say we must either pass it without amendment or have no adjournment. That is placing the Senate in a humiliating position. To my mind, the word 'desire' in the clause amounts to very little, but what I protest against is bringing down a Bill of this character and then telling us coolly that the government will accept no amendments, because it would prevent members going home for the adjournment.

Hon. Mr. COX—Supposing we pass this clause, and after we get through with the Bill find there are no amendments, but that one, I do not think any one will consider it sufficiently important to strike out those words; but if there are other amendments I think we ought to strike out the words to which exception has been taken.

Hon. Mr. GIBSON—In case of a dispute arising in a city or town, a committee of the labour union may go to the mayor before arbitrators are appointed, and the mayor may express a desire to arbitrate. What harm would it be to express that desire, and what objection could there be to having the word in this Bill? The position of arbitrator it not a desirable one in a dispute of any kind. It always leads to a good deal of criticism, especially if the side he represents should lose. It often occurs that a man occupying the position of mayor is requested to act and may express a desire to help to settle differences between workmen and their employers, and I cannot see why the word should not remain in the clause.

The amendment was declared lost, and the subclause was adopted.

On subsection (1) of clause 16.

The application and the declaration accompanying it: (1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers.

Hon. Sir MACKENZIE BOWELL—In the clause we have just passed, it is provided that the application should be in writing. Now supposing the dispute occurs in British Columbia, or some other part of the Dominion, would a telegram be considered an application in writing?

Hon. Mr. SCOTT—Clearly.

Hon. Sir MACKENZIE BOWELL—The clause we are now considering says the application must be signed. That would be worse than the resignation of Mr. Hyman.

Hon. Mr. SCOTT—A telegram would be signed.

Hon. Sir MACKENZIE BOWELL—By whom? By the operator who received it?

Hon. Mr. SCOTT—The operator repeats a signed document.

Hon. Sir MACKENZIE BOWELL—Do I understand my hon. friend to say that if a strike occurs, say at Rossland, and a telegram is sent applying for the appointment of this board to settle it, and it is signed by a telegraphic operator in Ottawa, that that would be considered a request in writing signed by the applicants?

Hon. Mr. SCOTT—Yes. I should like to ask my hon. friend who is to dispute it? There is no one to dispute it except the man who sent it, and who might send another telegram saying he did not want it.

Hon. Sir MACKENZIE BOWELL—But suppose the man did dispute it, what would be the result?

Hon. Mr. SCOTT—I would call attention to clause 65, which provides that no proceeding under this Act shall be deemed invalid by reason of any defect of form, or any technical irregularity.

Hon. Mr. WOOD—Both clauses 17 and 18 require that the application may be transmitted by registered letter, and not by telegram.

Hon. Sir MACKENZIE BOWELL—The difficulty may not arise, but it is possible.

The subclause was adopted.

On clause 19,

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the registrar and to the party making the application.

Hon. Sir MACKENZIE BOWELL—A difficulty might arise in British Columbia or some other distant part of the Dominion, and an application be sent, but it must be sent by registered letter. Would the Act take effect the moment that letter was mailed ? If not, six or seven days might elapse before the letter reached here, and all the damage might be done before the department received the letter.

Hon. Mr. GIBSON—If that were the case, they would break the whole spirit of the Act by striking before asking for arbitration. No strike can take place until these documents reach the department. Nothing can be done until the arbitrators have decided one way or the other.

Hon. Mr. SCOTT—Clause 56 provides that:

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike on account of any dispute prior to or during a reference of such dispute to a board of conciliation and investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

If a dispute arises, they have to go on working, otherwise they become liable for the penalty.

The clause was adopted.

On clause 50,

50. The board may, with the consent of the minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Hon. Mr. LANDRY—Why is the consent of the minister asked for ?

Hon. Mr. SCOTT—In the employment of experts or assessors. I presume the minister might have a voice. I do not know why he should not have; it is a question of expense, of course.

The clause was adopted.

On clause 51,

51. The members of a board while engaged in the adjustment of a dispute shall be remunerated for their services as follows :
(a) to members other than the chairman :
(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the board ;
(ii) an allowance of fifteen dollars for each whole day's sittings of the board;
(iii) an allowance of seven dollars for each half-day's sittings of the board ;
(b) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the board, and ten dollars a day for each half-day's sittings ;
(c) no allowance shall be made to any member of the board on account of any sitting of the board which does not extend over a half-day, unless it is shown to the satisfaction of the minister that such meeting of the board was necessary to the performance of its duties as speedy as possible, and that the causes which prevented a half-day's sitting of the board were beyond its control.

Hon. Mr. FERGUSON—I think a change might be made in that first subsection. If the parties cannot agree in one day, they probably will not agree at all. Allowing the three days they will almost surely consume the time in order to secure the pay.

Hon. Mr. SCOTT—They may have to communicate with a dozen parties.

Hon. Mr. LANDRY—A day is not defined. What is it ? They might meet at noon, take their lunch at one o'clock, and have an hour after luncheon, and that would be a whole day.

Hon. Mr. SCOTT—There is no harm in giving them latitude.

The clause was adopted.

On clause 56,

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a board of conciliation and investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act : Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike : Provided also that, except where the parties

have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

Hon. Mr. FERGUSON—This section makes it unlawful to go on strike or cause a lockout after the passage of this Act, until after the application has been made and a board of arbitration has been appointed, and that board ends its labours and fails to effect an agreement.

Hon. Mr. SCOTT—We all know that strikes and lockouts do not occur suddenly; that there is discussion between the employers and employees during a considerable period, and it occurred to me that that word 'prior' had reference to the time the discussion began over a question of wages or time or whatever it might be. I do not regard it as so absolute as my hon. friend considers it to be, though, probably he is right.

Hon. Mr. FERGUSON—The word 'prior' goes right back?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McSWEENEY—Does this apply to steam railways?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McSWEENEY—They have the privilege of taking either the Act of 1903 or the present one?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—I understand that when parties have entered into an agreement, under this clause, there is nothing to be done. A strike would be unlawful, if under clause 24, a settlement has been affected, and a memorandum to that effect sent to the Minister of Labour?

Hon. Mr. SCOTT—That is where the settlement comes in. If the settlement is made, that is the end of it. But under clause 25, if they fail to agree, they can have a strike or a lockout. If it is settled, the parties are bound by the agreement.

Hon. Mr. FERGUSON—I think it is a fair interpretation that it would prevent any lockout after the passing of this Bill until the arbitration is over.

Hon. Mr. SCOTT—I think that is right.

The clause was adopted.

On clause 63,

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a board of conciliation and investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the registrar that in consequence of their mutual agreement to refer the dispute to a board under the provisions of this Act, the minister has decided to refer such dispute, the lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

Hon. Mr. FERGUSON—I think this clause will enable the board to go very far afield and dispose of difficulties in other lines of industries than that included in the title of the Bill.

Hon. Mr. SCOTT—If both parties are willing, yes.

Hon. Mr. FERGUSON—It may be widened so as to include all the industries in the country?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I think it is a very good provision.

Hon. Mr. SCOTT—Yes, I think they are sure to avail themselves of it.

The clause was adopted.

Hon. Mr. WOOD—I intended to call the attention of the hon. Secretary of State to clause 16, subclause 4, which provides that an application for an arbitration if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Then section 20, subsection 4, subclause (b) requires that a statement in reply to such application should be served upon at least ten of the number where it is made by employees. It would appear to me that the application should be signed by ten, for I do not see otherwise how the registrar of the board could possibly have the names of ten employees. Section 1 requires that there shall be at least ten employees affected, otherwise the board is not authorized to consider the application. But there is no provision that I can see by which the registrar of the board will be placed in possession of the names of ten employees. The application does not necessarily give the names of the men where they are merely employees. It might merely say employees in a certain line, or in a certain factory, were a party to this dispute and that would be an application to the registrar, and then the statement in reply has to be served upon ten employees.

Hon. Mr. SCOTT—It is a matter of very little consequence; it is merely a matter of detail. They could be requested to furnish the names.

Hon. Mr. CLORAN—The law is clear upon the subject. No body of men can make application to the government for a board of conciliation unless there are ten in the factory; nine could not make application.

Hon. Mr. LANDRY—But there are only two names given.

Hon. Mr. CLORAN—But these two cannot make application to the government unless there are ten employed.

Hon. Mr. LANDRY—How do they get the names of the ten?

Hon. Mr. CLORAN—That is a matter of proof and no two men are going to make application to the Board of Conciliation unless there are ten men employed in the factory.

Hon. Sir MACKENZIE BOWELL—The ten refers to men who do not belong to the union.

Hon. Mr. SCOTT—Does the hon. gentleman really consider it important in a matter of detail of that kind, where the statute says that irregularities of that kind are not to be counted? Before anything is done the parties could be called upon to furnish the names.

Hon. Mr. WOOD—I may say to the hon. Secretary of State that I consider it of sufficient importance to bring it to the notice of the House. The Bill would be much improved, in my opinion, if this change was made.

Hon. Mr. SCOTT—I would not regard it as affecting the Bill in any sense, because it can be remedied at any time.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman consider it a mere irregularity where the law provides that ten must sign a document and there are only six or seven——

Hon. Mr. SCOTT—They can be called upon to do it; they may or they may not.

Hon. Sir MACKENZIE BOWELL—Where you have a positive declaration you cannot call it an irregularity.

Hon. Mr. WATSON—The explanation of the minister who has charge of this Bill is that the cases where the ten have to be notified is where there is a lockout and no organization—a non-union lockout, and ten of the men who are locked out will receive the notice. In the other case, of course, the organized labour union will be notified.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendment.

The Bill was then read a third time, and was passed under suspension of the rules.

## BILL INTRODUCED.

Bill (60) An Act to regulate the exportation of electric power and certain liquids and gases.—(Hon. Mr. Scott.)

The Senate then adjourned until Three o'clock to-morrow.

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## SENATE.

OTTAWA, Friday, March 22, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## PRUDENTIAL LIFE INSURANCE COMPANY'S BILL.

MOTION FOR SUSPENSION OF RULES.

Hon. Mr. MITCHELL moved :

That rule 23f be suspended in so far as it relates to the Bill (DD) intituled: An Act to incorporate the Prudential Life Insurance Company of Canada.

The SPEAKER—What position is this Bill in ?

Hon. Mr. YOUNG—The motion is to enable the hon. gentlemen to read the Bill the second time without the two days' notice. It is a Bill which is of a non-contentious nature, for the incorporation of an insurance company and it originates in the Senate. It has been delayed one way and another, and it is necessary now to suspend the rules to permit the second reading and the hon. gentleman gave notice yesterday. If the House adopt this motion, during the recess the eight days posting would occur, and its passage through the other House would not be jeopardized. Hon. gentlemen will therefore see that it would be an advantage to take the second reading to-day.

Hon. Sir MACKENZIE BOWELL—Is it a Bill of the usual character of life insurance companies, or are there any new principles involved in it ?

Hon. Mr. YOUNG—No, I understand it is the model Bill.

Hon. Mr. FERGUSON—I judge from the name of it, that it will deal with life insurance of children. I think Prudential companies always do that.

Hon. Mr. YOUNG—I am merely giving the information that we gleaned before the committee.

The SPEAKER—Has the Bill been reported from committee ?

Hon. Mr. YOUNG—It stands for adoption to-day.

The SPEAKER—It seems to me that it would be better to wait until the report is adopted.

Hon. Mr. YOUNG—That is a separate motion. The same kind of motion was made the other day by the hon. gentleman from Toronto, with respect to a certain measure. If the Bill does not come before the House, the motion drops and no harm is done.

Hon. Mr. KERR—The motion made by me the other day was in regard to a Bill which was already on the paper.

Hon. Mr. YOUNG—If the Bill never appears in the House, the motion will have no force ; but it is in its proper order now. The Standing Orders Committee delayed the report until they considered that a fair and reasonable notice had been given. The House is not in a false position, and it is the duty of the Speaker to put the motion.

Hon. Mr. FERGUSON—No harm can be done by allowing it to stand.

Hon. Sir MACKENZIE BOWELL—I think we realize every year that at the close of the session advantage is taken of the power to suspend the rules to introduce new Bills which might just as well have been dealt with two months previously. We have suspended more rules this year to facilitate the passage of Bills than we have for years past, and if this practice is continued the rules of the House will be really of no value.

Hon. Mr. MITCHELL—I am just informed by the law clerk of the Senate that the Bill embodies all the latest suggestions of the Insurance Commission, and I ask to have this rule suspended to permit the first and second readings in order that the Bill may be passed this session.

The SPEAKER—I may state that I have not examined the point which is raised, but it would seem to me to be more logical that the motion be put after the report of the committee is adopted.

Hon. Sir MACKENZIE BOWELL—I object to it being dealt with until the report is before us.

Hon. Mr. POWER—The report of the committee has been before the House for two days.

Hon. Mr. BERNIER—As there is no Bill of this kind before the House, I do not know how we can put the motion. I think it would be better to wait until the report is before us.

Hon. Mr. POIRIER—I can not see how we can deal with a principle which is not before us.

The SPEAKER—I will ask the hon. gentleman from Drummondville to suspend his motion until the report of the committee is made, so that it shall not establish a precedent, until I have examined the question more thoroughly.

Hon. Mr. POWER—That would make a much worse precedent than the other.

Hon. Mr. YOUNG—The Speaker has raised the point of order for himself the second time. He does not desire the motion to be put, and the House does not wish him to be placed in a false position, neither does the hon. gentleman from Drummondville. If the Speaker prefers that this motion should be deferred until the report is before us for consideration, I am sure none of us would more readily meet his wishes than the hon. gentleman from Drummondville and myself. I think we might accept the Speaker's suggestion, and let the matter stand in abeyance until the order is reached.

The motion was allowed to stand.

THIRD READING.

Bill (KK) An Act to incorporate the Abitibi and Hudson Bay Railway Company. —(Hon. Mr. Power.)

SECOND READINGS.

Bill (CCC) An Act for the relief of Victor Harold Lyon.—(Hon. Mr. Davis.)

Bill (69) An Act respecting the Quebec Oriental Railway Company.—(Hon. Mr. Tessier.)

Bill (YY) An Act respecting the Erie Ontario Power Company.—(Hon. Mr. Power.)

## INTERPRETATION ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (116) An Act to amend the Interpretation Act. He said: In preparing the recent Revised Statutes an error occurred in leaving out the Court of Appeal of Manitoba. The Bill is to correct the error and to insert the words 'The Court of Appeal for Manitoba.'

The motion was agreed to, and the Bill was read the second and third time and passed, under a suspension of the rules.

## PRUDENTIAL LIFE INSURANCE COMPANY'S BILL.

FIRST AND SECOND READINGS.

Hon. Mr. YOUNG moved the adoption of the twenty-seventh report of the Standing Committee on Standing Orders.

The motion was agreed to.

Hon. Mr. MITCHELL introduced Bill (DDD) An Act to incorporate the Prudential Life Insurance Company of Canada.

The Bill was read the first time.

Hon. Mr. MITCHELL moved that rule 23f be suspended in so far as it relates to this Bill.

The motion was agreed to.

Hon. Mr. MITCHELL moved the second reading of the Bill.

The motion was agreed to, and the Bill was read the second time.

## RAILWAY ACT AMENDMENT BILL.

The House resumed in Committee of the Whole consideration of Bill (3) An Act in amendment of the Railway Act, 1903.

(In the Committee.)

Hon. Mr. POWER—When the committee had this Bill before them, it was pointed out to the hon. gentleman from Wolseley that he had better have the language altered so as to refer to the Revised Statutes instead of the Act of 1903. Has that been done?

Hon. Mr. PERLEY—Yes.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

Hon. Mr. SCOTT moved that the House adjourn during pleasure.

Hon. Sir MACKENZIE BOWELL—The committee stage on the Bill to amend the Civil Service Act has been postponed till after the adjournment. I may say that if the hon. Secretary of State issues the same mandate with reference to amendments to the Civil Service Act as he enforced last night when the Labour Bill was under discussion, there is no use in hon. members taking any interest in the matter or studying the question of how the amendments will affect the Act as it stands upon the statute-book. If my hon. friend proposes

to pursue the same course with reference to this Bill as he followed last night, I do not propose to pay any attention to the amendments. If, however, we are allowed to consider the measure, and the ministerial majority will permit the minority to discuss the questions without having it said that we are not to propose amendments, some of us would inquire into the facts, and, perhaps, make suggestions.

Hon. Mr. SCOTT—Hon. gentlemen have the greatest liberty to propose any amendments they think proper. If any substantial amendment had been proposed last night, and carried, it would have become part of the Bill; but the proposed amendments were simply redundancy, in one case in reference to the word 'desire,' and in the other case changing simply the phraseology, and the minister was extremely anxious, on account of a strike existing and the liability of another strike taking place at any moment, to have the Bill approved at the earliest possible period, and if we had made changes of course it would have thrown it over until next week. I am quite prepared to apologize to the House if they think the measure was unduly pressed. It was not from any desire to push the matter through, but because the Bill had received so many compliments, I thought it was considered a better Bill than the government usually submitted to this Chamber, and on that account I may have pressed it unduly. If so, I will apologize to my hon. colleagues. But certainly my observations had reference only to my desire that mere verbal changes should not retard the passage of the Bill. The House knows very well they are in possession of the Bill, to make any changes they wish, if the majority approves of it.

Hon. Mr. POWER—If the hon. Secretary of State was so willing and anxious that the Bill should be fully discussed he succeeded in concealing his feelings remarkably well.

Hon. Sir MACKENZIE BOWELL—For once I agree with the hon. gentleman from Halifax.

The motion was agreed to, and the Senate adjourned during pleasure.

After some time the House resumed.

## BILLS ASSENTED TO.

The Honourable the Chief Justice of Canada, acting as Deputy to His Excellency the Governor General, being seated in front of the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House:

It is the Deputy Governor's desire that they attend him immediately in this House.

Who being come with their Speaker.

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows:

An Act respecting the Canada Central Railway Company.

An Act respecting the London and St. Clair Railway Company.

An Act respecting the Indian River Railway Company.

An Act respecting the Dominion Central Railway Company.

An Act respecting the Georgian Bay and Seaboard Railway Company.

An Act to amend the Criminal Code.

An Act respecting the National Transcontinental Railway.

An Act to encourage the establishment of Cold Storage Warehouses for the preservation of perishable Food Products.

An Act to confirm certain agreements between the British Columbia Electric Railway Company, Limited, the Canadian Pacific Railway Company, Lord Strathcona and Mount Royal, and Richard B. Angus and between the Canadian Pacific Railway Company, the British Columbia Electric Railway Company, Limited, the Vancouver and Lulu Island Railway Company, Lord Strathcona and Mount Royal and Richard B. Angus.

An Act respecting the Manitoba and Northwestern Railway Company of Canada.

An Act to incorporate the Saskatchewan Valley and Hudson's Bay Railway Company.

An Act respecting the Brockville, Westport and Northwestern Railway Company.

An Act respecting the St. Mary's and Western Ontario Railway Company.

An Act respecting the Orford Mountain Railway Company.

An Act respecting the Athabaska Railway Company.

An Act respecting the Central Counties Railway Company.

An Act respecting the Athabaska Northern Railway Company.

An Act to incorporate the Alsek and Yukon Railway Company.

An Act respecting La Compagnie du Chemin de fer de Colonisation du Nord.

An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

An Act respecting the Annuity Company of Canada.

An Act respecting a patent of Edgar Webster Summers and Hadley Herbert Summers.

An Act respecting the Royal Victoria Life Insurance Company.

An Act to incorporate the Prudential Savings Society.

An Act respecting a patent of the George E. Smith Lumber Company.

An Act to amend the Northwest Territories Act.

An Act respecting the Dominion Fire Insurance Company.

An Act to incorporate the Women's Art Association of Canada.

An Act to incorporate the Quinze and Blanche River Railway Company.

An Act respecting the Calgary and Edmonton Railway Company.

An Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make such surveys.

An Act respecting the Huron and Ontario Railway Company.

An Act respecting the Great West Railway Company.

An Act respecting the Canadian Pacific Railway Company.

An Act to incorporate the Edmonton, Dunvegan and British Columbia Railway Company.

An Act respecting the Joliette and Brandon Railway Company.

An Act to incorporate the Eastern Townships Railway Company.

An Act to incorporate the Malone and Hopkins Point Railway Company.

An Act to amend an Act to confirm an agreement entered into by Her late Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway System to the city of Montreal.

An Act to incorporate the National Accident and Guarantee Company of Canada.

An Act to incorporate the Northwestern Trusts and Loan Company.

An Act to incorporate the Residential Fire Assurance Company.

An Act respecting the Temiscouata Railway Company.

An Act to establish the Intercolonial and Prince Edward Island Railways Employees' Provident Fund.

An Act to amend the Petroleum Bounty Act, 1904.

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

An Act to ratify an agreement between the Government of Canada and the Government of British Columbia respecting the Western Boundary of the Railway Belt.

The Senate adjourned until Thursday, April 4, at Three p.m.

Hon. Sir MACKENZIE BOWELL.

## SENATE.

OTTAWA, Thursday, April 4, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## MUTUAL RESERVE LIFE COMPANY'S POLICIES ISSUED IN CANADA.

MOTION DROPPED.

The Order of the Day being called :

By the Hon. Mr. Domville:

That an order of the Senate do issue for a return by the New York Mutual Reserve Life Company to this House :

1. The number of policies issued, the names and addresses of the insured.
2. The names and addresses of the beneficiaries.
3. The amount stated in the policies.
4. The amount paid to beneficiaries.
5. The reasons why the full amount called for under the policy was not paid.

This return to cover the years 1898, 1899, 1900, 1901, 1902, 1903, 1904 and 1905.

Hon. Mr. DOMVILLE—I do not wish to put this question in a shape that will cause any trouble ; but if the hon. Secretary of State could furnish us with some information I would be satisfied and would withdraw the motion. The words 'In Canada' should appear in the motion, because as it reads now it would include the company's business all over the world.

Hon. Mr. SCOTT—In reference to No. 1, of course, the company outside of Canada is independent.

Hon. Mr. DOMVILLE—It should be in Canada.

Hon. Mr. SCOTT—It is contrary to the policy of the department to furnish information regarding the policies issued in Canada. It would be very improper, because it would give all the insurance companies throughout the country an insight into the business done by one particular company. So that the questions are considered contrary to public policy and could not be answered by an order.

Hon. Mr. DOMVILLE—Then as to question No. 2 ?

Hon. Mr. SCOTT—My observations were general. All the information asked for by the hon. gentleman is information of a private nature, which cannot be given to the public.

Hon. Mr. DOMVILLE—Does my hon. friend find any objection to Nos. 3 and 4.

Hon. Mr. SCOTT—They are all the same.

The SPEAKER—Is the question put?

Hon. Mr. DOMVILLE—No, after the explanation made by the hon. Secretary of State I shall not proceed.

The motion was dropped.

## COST OF NATIONAL TRANSCONTINENTAL RAILWAY.

### INQUIRY.

Hon. Mr. FERGUSON inquired of the government:

1. Which of the two routes back from the St. John river proposed for the National Transcontinental Railway through the province of New Brunswick, has been approved by the government or the National Transcontinental Railway Commission?

2. What is the length, respectively, of the two routes aforesaid, between Grand Falls and Moncton?

3. What length, stated in miles, of the route, approved as aforesaid, has a grade exceeding four-tenths of one per cent per mile, and what is the maximum grade of the railway between the aforementioned places?

4. What length, stated in miles, of the approved route of the said railway, between the east end of the Quebec bridge and Grand Falls, N.B., has a grade exceeding four-tenths of one per cent per mile, and what is the maximum grade of the railway between the said places?

Hon. Mr. SCOTT—The matter is now under consideration by the government, and until such time as the route is approved there is no information in the department. It has not been approved yet. The public have assumed that a certain route would be taken, because I have noticed it in the newspapers; but, strange to say, it was up before council to-day and I cannot say whether it was adopted or not. The moment the order is passed, I shall be very glad to furnish the information.

The notice was allowed to stand until Monday next.

## NATIONAL TRANSCONTINENTAL RAILWAY CONTRACTS.

### INQUIRY.

Hon. Mr. FERGUSON rose to:

Ask the government to supplement the answers given to all questions asked by him during the present session of parliament in regard to the cost per mile of all sections for which contracts have been let on both eastern and western divisions of the National Transcontinental Railway, by giving the cost of ties and rails, and everything necessary to complete the track on said sections of said railway.

Hon. Mr. SCOTT—The answer is as follows:

| Section No. | District. | Description. | Per Mile. |
|---|---|---|---|
| | | | $ cts. |
| 1 | 'A' | Moncton towards Chipman, 50 miles | 10,312 08 |
| 2 | 'A' | Grand Falls to Quebec Boundary, 62 miles. | 12,162 12 |
| 3 | 'B' | East of Quebec bridge, 150 miles | 8,347 03 |
| 4 | 'B' | West of Quebec bridge—150 M. to 195 M., 45 miles. | 7,110 59 |
| 5 | 'C&D' | From 5½ miles east of Huricanaw River to West end District "C" = 42 M. | |
| | | From East Boundary of District 'D' westward = 150 miles | 10,396 66 |
| | 'B' | From Quebec bridge westward, 150 miles | 9,435 00 |
| | 'F' | From Peninsula Crossing to near Winnipeg, 245 miles | 9,211 00 |

## BILL INTRODUCED.

Bill (EEE) An Act for the relief of Arthur Leon McPherson.—(Hon. Mr. Perley.)

## THE INSURANCE COMMISSION REPORT.

### A QUESTION OF PRIVILEGE.

Hon. Mr. COX—Before the orders of the day are called I desire, on a question of privilege, to direct the attention of this honourable House to certain statements in the report of the Royal Commission on insurance, recently laid upon the table. With your permission I will read an extract from the report in which reference is made to the Canada Life Assurance Company and to myself, personally, as president of the company. On page 14 it reads as follows:

The absolute control, real and potential, residing in the president and general manager, and in which his stock holding and offices secure him, have to a marked extent influenced the investments of the company, which have been made to serve not only the interests of the Canada Life Assurance Company, but also his own interests and the interests of other institutions in which he was largely concerned. He says, he has always made the interests of the Canada Life Assurance Company his first and chief concern, but many of the investments made by or on behalf of that company have been made to serve other interests as well, &c.

I have no disposition to criticise this statement so far as it goes, but the report would certainly have been tempered with a greater degree of justice if it had gone on to say that while the transactions were

advantageous to the other institutions referred to, they were still more advantageous to the Canada Life Assurance Company. The impression is conveyed that these transactions were made because of my presidency or influence in the councils of the Canada Life. It would have been only fair to have said plainly that these securities are all of the highest class, securities that could be disposed of to-day at a price in advance of what was paid for them, securities that could have been disposed of to other clients of the Dominion Securities Corporation at the time at a slightly better profit, and securities quite within the company's powers of investment. I wish also to say that every security purchased and every loan made by the company is submitted to an honourable and capable board of directors composed of, amongst others, the following gentlemen : Mr. John Hoskin, K.C., LL.D., President of the Toronto General Trusts Corporation ; the Honourable Senator Gibson, President of the Bank of Hamilton, Mr. Byron E. Walker, LL.D., President of the Canadian Bank of Commerce, and Mr. J. W. Flavelle, LL.D., President of the National Trust Company, (four of our most successful financial institutions), Mr. Z. A. Lash, K.C., General Counsel of the Canadian Northern Railway, and Mr. Alexander Bruce, K.C., who has been for many years closely associated with all the investments of the company and who is chairman of the investment committee, together with eight other gentlemen of the highest standing in their respective communities. Every investment has first to carry the recommendation of the treasurer and to meet with the entire approval of the full board, and since I became president of the company, in 1899, the rule has been invariably adhered to that upon an objection being raised to any investment, by even one member of the board, it is not accepted.

With the advantage, the assistance and the co-operation of a directorate of fourteen gentlemen of this class, chosen from the leading business men of this country, whose ability, integrity and independence are beyond question, it does seem difficult to understand how the commissioners can justify the conclusion they arrived at, of practically writing these men down as mere tools in my hands to vote at my dictation and thus enable me to manipulate or control the investments of the company.

It will be observed by a perusal of the report of the commission that the burden of the criticism of the company's investments is based upon the fact that a considerable proportion of the securities were purchased from the Dominion Securities Corporation, in which I am largely interested as a shareholder. There has never been any attempt whatever to withhold this information from the public or from the commission, there has never been any suggestion, nor could there be any, that it was illegal for two corporations having the same president and in which some of the same shareholders were interested in both companies, to deal with each other, and it has never until recently, so far as I am aware, been suggested that it was improper to do so. Now that this question has been raised, the only proper way to meet it is to invite the most rigid scrutiny of every transaction that has taken place between the Canada Life and every other corporation in which I am either directly or indirectly interested. From an examination of this kind it will be found in every case, without exception, that the interests of the Canada Life have been fully protected. The commission had the fullest opportunity to, and did, make a most exhaustive examination. They had access, through their expert accountants, not only to the records of the Canada Life Assurance Company, the Dominion Securities Corporation and the Central Canada Loan and Savings Company, but to my own personal books as well, and the fact that none of the securities purchased by the Canada Life from either of these companies has been criticised is an evidence that they have found both the quality of the securities and the price paid for them, satisfactory, and it would have been only just for the commissioners to have said so.

Some criticism has been made of the amount of securities purchased by the Canada Life Assurance Company from the Dominion Securities Corporation, but when it is remembered that the Canada Life is the largest purchaser in Canada of investment securities, and the Dominion Securities Corporation are the largest bond dealers in Canada having agencies throughout Canada, representatives in the United States and a branch in Great Britain, it will be readily

seen that there is no ground whatever for such criticism. As an indication of the volume of business handled by the Dominion Securities Corporation during the period 1900 to 1905, of the class of corporation bonds in which life insurance companies are authorized to invest, the corporation purchased entire issues to the amount of $9,301,000, and participated in purchase of, and had the selling rights on the Canadian market for $38,767,000 or a total of $48,077,000 while corporation issues in Canada handled by other dealers, amounted to only $9,588,000 during the same period. These figures exclude all industrial issues as well as those of Canadian companies with undertakings in foreign countries. It will thus be readily seen that had the Canada Life Assurance Company been restricted from purchasing securities from the Dominion Securities Corporation they would have experienced great difficulty in finding a satisfactory amount of similar investments. I might say further, that the purchases from the Dominion Securities Corporation by the Canada Life during the period mentioned only amounted to slightly over 10 per cent of the total sales of the former corporation, the other 90 per cent having been disposed of to other insurance companies, financial institutions and private investors throughout Canada, the United States and Great Britain.

I am having placed in the hands of every member of this honourable House a detailed list of every security held by the company, representing its $32,280,542.49 of assets, as at the 31st December, 1906, from which it will be at once seen by any person who will take the trouble to read it through, that the investments of the company are of the highest class, and the position of the company, in every respect, most satisfactory.

The following statement has been made in the newspapers and in another place :—

That Senator Cox, being president of the Canada Life Assurance Company, helped his son-in-law, the head of the firm of A. E. Ames & Co., to make false entries in the books of the Canada Life Assurance Company in order that the insurance inspector could not detect that the Canada Life Assurance Company, under the guidance of Senator Cox, was lending the money, the trust funds of the people interested in that insurance, on securities which had been questioned by the department of insurance.

This statement is untrue and misleading to the last degree. It has reference to a loan of $389,500 to A. E. Ames and Company upon security of 1,800 shares of Metropolitan Bank stock, worth $360,000, and 1,040 shares of Sao Paulo stock worth $98,800, showing a margin of $69,300. It is not correct that these securities had, at that time, been questioned by the insurance department. The bank stock is admitted to be an authorized investment, and the company's solicitor advises that Sao Paulo stock is also legal under the company's charter, and the company has never been informed that the solicitor's advice has been controverted by the Department of Justice.

It was a loan on which the company had at no time a chance of losing a dollar. A few months after the loan was made, it was paid in full. This was something that occured in the interval, and it seems to me the commission travelled a long way out of their jurisdiction to do this institution harm by raking up a transaction of that kind, a loan which had long since been paid, and in which there was never a dollar risked.

Hon. Mr. LANDRY—It was not the first time the commission travelled out of their way.

Hon. Mr. COX—No it was not. They have travelled out of their way a long way to do a great deal of injury to Canadian institutions. In that report of several hundred pages there is not one solitary word of commendation with regard to the 30 or 40 different Canadian companies that are doing business in this country, and all over the world, practically. Everything that could be said, and everything that could be done, and everything that could be withheld to injure our Canadian companies in the eyes not only of Canadians, but in the eyes of the public outside of Canada, where neither the commissioners themselves nor the officers of the company are known, was resorted to.

Hon. Mr. EDWARDS—An advertisement for outside companies as against Canadian companies.

Hon. Mr. COX—Yes, an advertisement for outside companies—doing everything they could in that way. Our Canadian companies are in competition with several United States and English companies and nothing has been said derogatory to these companies whatever. No examination of them has been made to show whether they could have

the same kind of charges brought against them. They have been left untouched, and the Canadian companies have been weakened, injured and prejudiced in every possible way. I think the report of the Royal Commission on Insurance does no credit whatever to that body.

I will only ask your indulgence while I refer to one additional subject. On page 13 of the report I read as follows :

It was stated in evidence at page 1060, that at the time this loan was made, in October, 1902, it was agreed that it would be repaid before the end of the year as the company would probably require the funds. I also quote from the evidence at page 1061, as follows :

> It was not for the sake of getting rid of the securities, because we were quite content to carry those securities at any time. We had other securities of the same kind on our books. It was not with the object of not showing these securities in the government report at all, because we had others of the same kind.

The transaction could not possibly be concealed from the department, because it clearly appeared in the cash book and ledger of the company, which are regularly inspected by the officers of the department. The commissioners very seriously erred in finding that the question of the company's right to invest in or loan upon Sao Paulo securities had at this time been raised by the department. A more careful review of the correspondence made a part of the record, by the commissioners, would have prevented this inaccuracy. It is true, that the superintendent of insurance had on the 10th of September, 1902, asked the Department of Justice whether these securities had been legally and properly purchased by insurance companies under the provisions of the Insurance Act, but the decision was not given until January, 1905, over two years after this transaction occurred. The statement, that this loan was called in for the purpose of deceiving the department is therefore quite erroneous. No notice of any kind whatever, had been given the company as to the question having been raised, and three loans on Sao Paulo securities were reported in our 1902 returns to the department, so for that reason apart from the others, how can the motive alleged be attributed to the company ? No false entries were made and no deceit was possible.

I will only ask your indulgence while I refer to one additional subject. On page 13 of the report, I read as follows :

> With the standing and reputation which the company undoubtedly possessed in 1900, it is difficult to arrive at any sound economic reason from the standpoint of the policy-holders for calling up the $875,000 capital. It is manifest if the inherent earning power of the additional capital is only 4·67 per cent, its engagement in the concerns of the Canada Life without any real need is a simple method of raising that earning power to 8 per cent, the difference, under whatever name, being unnecessarily taken away from the policy-holders whose accumulations have earned it.

This statement is inaccurate, entirely misleading and inconsistent with the actual facts of the case, which are as follows : In the early history of the company the Act of incorporation provided that the profits derived from the business should be divided in the proportion of 25 per cent to the shareholders, and 75 per cent to the policy-holders. It remained in that way until the year 1879, when the shareholders made application for legislation providing that not more than 10 per cent of the profits should be allotted to the shareholders, and not less than 90 per cent to the policy-holders. In order to get this change made, each individual shareholder had to give his consent before parliament would interfere with his vested rights. The shareholders thus of their own accord voluntarily surrendered to the policy-holders three-fifths of the profits to which they were entitled. The ten per cent to which they are still entitled is not increased, decreased, or in any way affected by the amount of paid-up capital, whether it be $125,000 as it was, or $1,000,000 as it now is. In either case, under agreement, ratified by Act of parliament in 1879, the shareholders are entitled to one-tenth of the profits.

A shareholder's account has been kept to which has been credited not only the average rate of interest earned for the year on the capital, but also one-tenth of the profits distributed, and it is out of this account that the dividend of 8 per cent is paid.

Hon. Mr. LANDRY—I rise to a point of order. The gentleman claims the right to bring this matter before the Senate as a question of privilege. There is no breach of privilege for which the hon. gentleman seeks a remedy with the intention of winding up by making a motion. Who has been guilty of a breach of privilege ? Who is to

be cited before the bar of the House? I find in May, page 69, the following :

Breaches of privilege may be divided into : 1. Disobedience to general orders or rules of either House ; 2. Disobedience to particular orders; 3. Indignities offered to the character or proceedings of parliament; 4. Assaults or insults upon members or reflections upon their character and conduct in parliament, or interference with officers of the House in discharge of their duty.

Those are breaches of privilege that may be brought to the cognizance of the House and a remedy had by a motion, but here the hon. gentleman is complaining of a report of the Royal Commission. We are not prepared to discuss it, either to support the finding of the commission or to sustain the hon. gentleman in his position. We are taken by surprise. He complains in his further remarks, that the papers of the country have reflected on his character, but he has not brought any copy of a newspaper containing such criticism. Rule 42 of this House provides :

Any senator complaining to the Senate of a statement in a newspaper or as a breach of privilege shall produce a copy of the paper containing the statement in question.

The hon. gentleman has not done so. Then again, rule 41 provides :

Whenever a matter or question directly concerning the privileges of the Senate, or of any committee or member thereof, has arisen a motion calling upon the Senate to take action thereon may be moved, without notice, and shall, until decided, unless the debate be adjourned, suspend the consideration of other motions as well as Orders of the Day.

The only thing the hon. gentleman could say, if he wants to bring this up as a question of privilege, is to deny flatly the conclusion of the report. I do not see how a question of privilege can be brought up on this question.

Hon. Mr. COX—I have only a few words more to say. If the hon. gentleman persists in his objection, I shall not proceed; but having been referred to in another place as being guilty of doing things that would make me quite unworthy of occupying a seat in this House, I want to vindicate myself.

Hon. Mr. CASGRAIN—Hear, hear.

Hon. Mr. LANDRY—Then I suppose it is true that Senator Cox cannot wait. The hon. gentleman should at least move the adjournment of the House to put himself in order.

Hon. Mr. COX—I shall proceed in my own way. How then can it be said, that anything has been taken away from the policyholders ?

In view of the foregoing, is it reasonable to ask or expect that the shareholders, after surrendering three-fifths of the profits to which they were entitled, should now surrender the one-tenth of the profits to which they are still entitled? It would be as reasonable for the depositors of the bank of Montreal to say to the shareholders : 'With our $165,000,000 of assets we could get along without your $14,000,000 of capital, and in place of getting a fair return as originally agreed upon for our deposits, we will make this a mutual bank and take the whole of the earnings.'

Shareholders of the Canada Life have for sixty years had their capital, or credit, at the risk of business, and for many years of that time received no dividends whatever. At times in the history of the company, those who were unable to hold their stock sold it at seventy and seventy-five cents on the dollar, and now, owing to the careful management and honourable dealings of the company, that they have created an earning power for their capital one-quarter of which they were originally entitled to and one-tenth of which they are still entitled to, it is not at all likely that they will be so generous as to give that up, nor is it at all likely that the parliament of this country would confiscate their right to it.

There are insurance companies who only do non-participating business and whose profits go exclusively to the shareholders. There are other companies, purely mutual, whose profits go exclusively to the policyholders. I am insured in some of these companies myself, on both this and the other side of the Atlantic, but I have yet to find one whose profits have been larger than those of the Canada Life, while the latter's Act of incorporation makes it compulsory upon the directors to give ninety per cent of the profits to the policy-holders. Many English and Scotch companies, so strongly recommended by the commissioners, and whose plans were adopted and policy followed by the Canada Life at its organization, divide their profits upon the basis of ninety per cent to the policy-holders and ten per cent to the shareholders, while others

retain the forty per cent allowed by their charters.

The increased and increasing share of public confidence enjoyed by the Canada Life is evidence that the majority of our policy-holders prefer the additional security and the continuity of management provided by a company with one million dollars capital in preference to that of a mutual company, particularly when it is demonstrated by actual experience that they do not get any better results from mutual companies.

There are other inaccuracies in the report of the commission from which erroneous inferences have been and may be drawn, but they are of a less important nature, and I will not ask the indulgence of this honourable House to refer to them now. An opportunity will be afforded to do that when the full report and the legislation which it recommends is under discussion. In the meantime what I more particularly wish to controvert is the impression that the Royal Commission has sent broadcast throughout this country, that because of my majority holding of the stock of the Canada Life Assurance Company its funds are improperly used by me for my own purpose or for the purpose of other institutions in which I am interested. I want to give this a positive and unqualified denial, in the strongest possible words that I can command, and to reiterate the statement I have already made, that every investment of the company is made with the approval and concurrence of the full board of directors.

I think I owe it to members of this honourable House to make this correction. These charges are of a most serious nature. When I knew that the report was not to be discussed this session, and the legislation arising from it is not to be taken up this session, then I felt I owed it to members of this honourable House and to myself and to the large number of persons interested in the insurance companies throughout the country to give the explanations and denials which I have given. I should be very sorry indeed to have the members of this House feel that I had been guilty of the charges which if not directly made have been insinuated that I have been improperly using the trust funds committed to my care, and I want to say here and now to everybody present and to every man in the country that there is nothing in my public or private life which would not stand the closest and most thorough scrutiny and I do not want to underlie charges of such a serious nature until next session, when the Insurance Act will be taken up and I would have a right to discuss the subject. I thank the House for the privilege given me, and I beg to move that the House do now adjourn.

The motion was declared lost.

## BILLS INTRODUCED.

Bill (FFF) An Act respecting juvenile delinquents.—(Hon. Mr. Scott.)

Bill (93) An Act to incorporate the Eastern Canadian Manufacturers Mutual Fire Insurance Company.—(Hon. Mr. Gibson.)

Bill (135) An Act to amend the Yukon Placer Mining Act.—(Hon. Sir Richard Cartwright.)

Bill (144) An Act to amend the Militia Pension Act.—(Hon. Mr. Scott.)

## A QUESTION OF PRIVILEGE.

Hon. Mr. COFFEY—I rise to a question of privilege. In a speech delivered on the 20th March by the hon. gentleman from Wellington, when he introduced his Bill with reference to the Conciliation Act, he said, to use his own words :

> As far as my hon. friend's amendment is concerned, he has read us an essay. No doubt it was prepared for him.

Upon being called to order, he gave that as his opinion. I was astonished when I read the statement of the hon. gentleman. I now wish to say to him that every line, every word, every thought in that speech was my own. I wish furthermore to state that newspaper editors are not in the habit of levying on the brain work of others, and parading in borrowed plumes. The remarks of the hon. gentleman are, I consider, not only unjust and uncalled for, but highly insulting, and, moreover, I think it very unbecoming in a member of this House, without any evidence whatever, to accuse a fellow member of doing something which is not held in honour by gentlemen.

Hon. Mr. McMULLEN—I am very glad to receive from the hon. gentleman from London the statement which he has presented to the House. In the course of the discussion, I gave expression to an opinion which I am

glad to find now from his statement was incorrect. I might say that there were many other members in the House who formed the same opinion as myself. It was only an opinion. I am glad to know that the hon. gentleman has made the statement to the House. Had he done me the courtesy of notifying me that he intended to refer to the matter, I might possibly have been able to say something more. He did not do that. As a young member of the House, he is unaccustomed to parliamentary procedure I presume; therefore I accept the course he has taken.

## THE SUPPLY BILL.

A message was received from the House of Commons with Bill (141) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending the 31st of March, 1908.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Monday next.

Hon. Mr. LOUGHEED—Are these the final estimates?

Hon. Mr. SCOTT—No, it is the proportion that is usually brought in, a fourth or a fifth.

The motion was agreed to.

## FIRST AND SECOND READINGS.

Bill (90) An Act respecting the Atlantic Quebec and Western Company.—(Hon. Mr. Fiset.)

## EXCHANGE OF LANDS BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (114) An Act to authorize the exchange of certain lands.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read a second time on Monday next.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain what it means?

Hon. Mr. SCOTT—I cannot really explain it very well without referring to the Dominion Lands Act. The Bill reads as follows:

1. Notwithstanding anything in the Dominion Lands Act, chapter 55 of the Revised Statutes, 1906, or in any other Act relating to Dominion lands, the Minister of the Interior may include in the lands to be sold to the Winnipeg Electric Railway Company in connection with and for the purposes of the company's power development on the Winnipeg river, the following school lands, namely: sections 11 and 29, township 14, range 12, east of the principal meridian.

2. Such sale shall not be made until the Minister of the Interior has, by notice in the 'Canada Gazette,' set apart as school lands other Dominion lands of equal area and value, as nearly as may be, in lieu of the lands mentioned in section 1 hereof.

Hon. Mr. LOUGHEED—Will my hon. friend ascertain if a stated price has been agreed upon between the railway company and the government?

Hon. Mr. SCOTT—I shall inquire.

Hon. Sir MACKENZIE BOWELL—And also whether the lands which are to be exchanged are to be of the same value as the lands to be given to the railway?

Hon. Mr. SCOTT—It is provided that the value must be the same.

The motion was agreed to.

## THIRD READINGS.

Bill (89) An Act respecting the Crawford Bay and St. Mary's Railway Company.—(Hon. Mr. DeVeber.)

Bill (92) An Act respecting the Grand Valley Railway Company.—(Hon. Mr. Coffey.)

Bill (OO) An Act to incorporate the Collingwood Southern Railway Company.—(Hon. Mr. McMullen.)

Bill (CCC) An Act for the relief of Victor Harold Lyon.—(Hon. Mr. Davis.)

Bill (73) An Act respecting patents of the International Paper Company, as amended.—(Hon. Mr. Watson.)

## MUTUAL RESERVE LIFE INSURANCE COMPANY ACT AMENDMENT BILL.

### SECOND READINGS.

Hon. Mr. DOMVILLE moved the second reading of (Bill SS) An Act to amend an Act respecting the Canadian Assessment Policy-holders in the Mutual Reserve Life Insurance Company.

He said: The few lines I purpose adding to the Act will, I am satisfied, commend themselves to the good sense of the House and of the community generally. It is not a contentious Bill. I found, when I was in London, that this same company had deposited a certain amount with the Board of

Trade and, somehow, the company were able to get that money back. They have a deposit in Canada to-day of about $200,000 or $300,000, and the object of this Bill is to prevent them under any circumstances from getting back that money until they have discharged all their obligations to their policy-holders in Canada. It may be said that the Act, as passed, goes far enough. We all thought so when it was passed; but men rise and pass away, and to-morrow we might have another official who would not take the same view of the Act that is taken to-day, and might consider there was nothing rendering it obligatory on him to retain this deposit. In London, where this company had an office, it was open and business was in full swing on Wednesday. On Thursday morning when the clerks and officials returned to their work they found the doors of the office closed and all the books taken away from England. There was nobody there to represent the company or to give the policy-holders a chance of taking such legal proceedings as they might deem necessary to protect their rights. That is why I introduce this Bill, so that there may be no misconception as to what parliament intended with regard to the deposit held in Ottawa. I am advised that the Act as it stands on the statute-book is not perfectly clear, and I want to make it certain that this company shall not withdraw its deposit until all policies have been redeemed and all matured policies have been paid. It will give protection to the policy-holders and perhaps reassure some people who have been unfortunate enough to insure with this company. The President of this Insurance company has been sent to Sing Sing, and Mr. Eldridge, who was up here at the time of the investigation, and who seemed to have gained the confidence of some members of this House, magnetizing or hypnotizing them to believe that he was right, and those of us who wanted the investigation were wrong, is now before the courts on a charge which may have the effect of sending him to keep the president company at Sing Sing, and probably these leading officials will be followed by others. It is, therefore, well to take every precaution to protect the Canadian policy-holders of the company.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. DOMVILLE.

## RAILWAY ACT AMENDMENT BILL.

### WITHDRAWN.

On the Order of the Day being called :

Second reading Bill (M) An Act to amend the Railway Act of 1903 so as to provide for meals for travellers.

Hon. Mr. DAVIS said : I do not suppose at this late stage of the session, with prorogation in sight, that I am likely to get this Bill through ; because I understand it will be opposed. I brought it before the Senate for the purpose of ventilating a grievance that I consider the people in the Northwest, in my part of the country at all events, have against the railway companies. Latterly, those companies have been placing buffet cars on all their branch lines. In our country branch lines are very long, some of them 250 or 300 miles in length, and at the rate of speed of trains on those branches it takes nearly a whole day to travel from one end of the branch to the other. You start from a given point at seven in the morning, and you travel until six o'clock at night before there is a stop, and as the companies put on buffet cars they feel that their conscience is clear as regards the convenience of passengers. About twenty passengers on the train enter the buffet cars, while probably 150 passengers are unable to get anything to eat until they reach their destination. Only a small proportion of the people who travel on a railway can afford to pay $1 or $1.50 for a meal in the buffet car. It means to a farmer three bushels of wheat. If the railway companies wish to force the people to use buffet cars, they should reduce the prices to reasonable figures. Two or three years ago, the average price for a meal on a dining car on the Canadian Pacific Railway Company was 75 cents, and for that sum the company provided a good meal ; but the prices have been rising, and the portion of food supplied has been steadily reduced, so that the average farmer, under the present system, could not get enough to eat for less than $2.50. It is not unreasonable to ask that the train shall stop somewhere about noon, for say twenty minutes, to give the passengers a chance to get a meal at a cost of about fifty cents. I know there is a great deal of dissatisfaction on the subject, and that is why I have brought this matter up. I have been speaking to some of the parties

interested, and they have shown a tendency to do something to remove the grievance. I therefore move that the Order of the Day be discharged ; but if the grievance is not remedied before next session, I shall introduce this Bill and press it through the House if possible.

The motion was agreed to, and the Bill was withdrawn.

## INSPECTION AND SALE ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (AAA) An Act to amend the Inspection and Sale Act.

(In the Committee.)

Hon. Mr. LOUGHEED—Can my right hon. friend state the difference between the proposed inspection and the existing law ?

Hon. Sir RICHARD CARTWRIGHT—It makes some small alteration in the size of the baskets in which fruit is packed. I am advised by the department that this alteration will affect almost exclusively the fruit which is grown in the Niagara district, and that, as far as the department can learn, all the fruit-growers associations, and the individual fruit-growers are in favour of the changes. Also, as a matter of fact, they are now packing their fruit in baskets of this size. It makes the package a trifle shorter and a trifle smaller than the package provided for in the existing Act.

Hon. Mr. POWER—While that kind of legislation may be in the interest of the fruit-growers of the Niagara district, it is clearly not in the interest of the consumer, because I do not suppose these gentlemen would charge any less for a small basket than they do for the larger ones, and I for one will vote against that provision.

Hon. Sir RICHARD CARTWRIGHT—I cannot say as to that, but I think the consumer ought to be able to take care of himself, and if he gets less from the producer, he should pay a smaller price for it.

Hon. Mr. POWER—I do not think the hon. gentleman has always taken that view when such questions came up.

Hon. Sir RICHARD CARTWRIGHT—Yes, when the consumer was not compelled by law to pay more for an article than he should give for it.

Hon. Mr. LOUGHEED—Will this introduce uniformity between the United States and Canadian baskets, or is there any unity of action ?

Hon. Sir RICHARD CARTWRIGHT—That I am not able to state. I think that in the United States these matters are regulated by the several states and not by the central authority at all. Each state regulates these things according to its own pleasure, and I think the Californian baskets or the Californian measures of fruit or whatever you call them, differ somewhat from those used in the other states, but I may say to the hon. leader of the opposition, this Bill appears to have obtained, without dissent, the approval of the fruit-growers in the district which it is specially designed to serve, and it has been before them for some considerable time. That is to say the Niagara district.

Hon. Mr. LOUGHEED—It seems to me it would be highly desirable that uniformity should be secured as much as possible with reference to packages which in trade are simply mentioned as baskets of fruit, and so on. We know that in our western country a very great deal of the California fruit comes in and is sold at so much a basket, and it seems to me there is no reason why we should not adopt a uniform standard where there is traffic in similar commodities. It would in that way prevent many mistakes arising, not only with the consumers, but with the parties who deal in articles of this kind.

Hon. Sir RICHARD CARTWRIGHT—Does the hon. gentleman suggest that we should adopt the United States standard ?

Hon. Mr. LOUGHEED—I do not make that statement, but I say that as far as possible there should be a uniform standard. Let me instance a case where a Canadian dealer will get quotations from a Californian producer for so many hundred baskets of fruit. He may likewise get quotations from Canadian dealers, and the assumption will be that those baskets are practically the same. It may be that there will be a substantial difference and there is going to be a disappointment and loss at some point

or other, and the consumer usually has to suffer for it.

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the department to the point made by my hon. friend, and let him know on the third reading if it is thought desirable to amend it.

Hon. Mr. LOUGHEED—I know that fruits from Niagara and from California do come into competition all through the Northwest.

Hon. Sir RICHARD CARTWRIGHT—I see the point; but there is this little difficulty about it: If our measures and the measures of the California growers materially differ, we could hardly be expected to conform ours to theirs. If the previous measure was the same as theirs that would be a reason for not disturbing it. But if, as I suspect, there has been no similarity between them heretofore, you could hardly direct our Canadian producer to take the United States measure as his model, unless there were strong reasons for it.

Hon. Mr. LOUGHEED—Has my hon. friend considered what effect this would have on the importation of Canadian fruits into the American market as to the packages?

Hon. Sir RICHARD CARTWRIGHT—No, I am not in a position to answer that question. As a rule, there is not much of that kind of fruit comes in in the eastern portion of our country. It chiefly comes in, I think, in the western region.

Hon. Mr. LOUGHEED—I might say to my hon. friend, that there are train loads of fruit that come in from the Pacific, and it is circulated all through Northwestern Canada.

Hon. Sir RICHARD CARTWRIGHT—I know that in reference to the condition of things in the Northwest it is very desirable that no impediment should be thrown in the way. I will take a note of my hon. friend's point and communicate at once with the Department of Agriculture. He is not sure himself whether there is any difference.

Hon. Mr. LOUGHEED—I do not know. I am a seeker after information, if I may so express it.

Hon. Sir RICHARD CARTWRIGHT—The point does not appear to have been taken in the debates in the lower House where this Bill was put through; but I quite agree that the point deserves consideration, and I will make it my special business to inquire into it.

Hon. Mr. FERGUSON—I think it is very important that we should know whether this legislation is applicable to foreign fruit.

Hon. Sir RICHARD CARTWRIGHT—No it is not applicable to foreign fruit.

Hon. Mr. FERGUSON—I desire to see how this legislation fits in with our old law; but if it has no bearing upon foreign fruit, and if as the hon. gentleman from Calgary says, carloads of that fruit are coming in, I do not think the legislation is of very much value.

Hon. Sir RICHARD CARTWRIGHT—As I understand from the department, the object is merely to alter the size of the baskets which were provided for in Chap. 85 of the Revised Statutes. He will observe that it repeals such and such an Act, and that it introduces another measure.

Hon. Sir MACKENZIE BOWELL—Does this clause provide for anything further than to define what an eleven quart measure and a six quart measure are? It seems to me the two paragraphs are simply confined to that.

Hon. Mr. LOUGHEED—If my hon. friend will permit the matter to stand till to-morrow, it will give us an opportunity to look into the matter and find its bearing on the general inspection of fruit.

The clause was allowed to stand.

On clause 2,

2. Section 352 of the said Act is hereby repealed and the following is substituted therefor:

352. Every dealer who sells, offers for sale, or has in his possession for sale in Canada, any ball of binder twine not properly and correctly labelled with the number of feet of twine per pound in the ball as required by this part, shall be liable, on conviction before one magistrate, who shall have jurisdiction irrespective of any provision in section 44 of this Act, to a penalty of not less than one dollar and not more than five dollars for each ball of such binder twine: Provided that no deficiency in the number of feet of twine contained in any ball shall be deemed to be a contravention of this section unless the deficiency exceeds five per centum of the length indicated by the label.

Hon. Sir RICHARD CARTWRIGHT—This is simply intended to enable one magistrate to deal with the questions that are brought up without reference to the amount involved. Heretofore he could only deal with it when a very small amount was involved. His decision can be appealed from if the parties are agreed in the ordinary course. We desire to make the processes as inexpensive as possible. The percentage is the same.

The clause was adopted.

On clause 4,

4. The following section is hereby added to the said Act as section 354a thereof :

354a. Notwithstanding anything to the contrary in section 46 of this Act, all moneys derived from penalties imposed for any contravention of any provision of this Act respecting binder twine, or derived from the confiscation of binder twine under this Act, shall be paid into and form part of the consolidated revenue fund, and no inspector or other person shall be entitled to any portion thereof.

Hon. Sir RICHARD CARTWRIGHT—The object of the change is to prevent the inspector from deriving any personal profit for seizing goods. Under the present law, the question has arisen whether the inspector, in addition to his salary, might claim a share of the penalty. I am bound to say that the inspector never has, but the question was raised whether he was not entitled to do so, and I think it better that there should be no doubt on the subject. I greatly prefer that in these cases the man should be paid a salary and not be tempted to seize without due cause, for the sake of obtaining a portion of the penalty. I presume my hon. friend will have no objection to that.

Hon. Sir MACKENZIE BOWELL—It is very good in theory.

The clause was adopted.

Hon. Mr. JONES, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again.

## CANADA SHIPPING ACT AMENDMENT BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole House on Bill (108) An Act to amend the Canada Shipping Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the leader of the opposition to the present law. The section of the Act reads :

Any seaman who has been lawfully engaged or bound to any ship registered in any of the provinces under a duly signed agreement, as required by this Act, and any apprentice who has executed indentures to sea service in any province shall be liable on summary conviction.

This Bill renders it unnecessary to have quite as formal agreements and quite as formal provisions as were heretofore held desirable in these cases. However, a few have taken out these indentures.

The clause was adopted.

Hon. Mr. OWENS, from the committee reported the Bill without amendment.

## REGULATION OF EXPORTATION OF ELECTRICITY BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (60) An Act to regulate the exportation of electric power and certain liquids and gases.

He said : Hon. gentlemen are aware that in the province of Ontario particularly there has been a good deal of agitation on the subject of cheaper electrical energy, and also an agitation that hereafter the natural gas that is to be found in several parts of Ontario should not be exported if the people are prepared to use it. In the county of Essex there are very valuable gas wells, and for many years they were used entirely to supply Detroit with heat and light. In the county of Welland there are gas wells supplying Buffalo, and I noticed a few days ago that the county council of Welland adopted a resolution calling attention to the export of the gas as being a very serious injury to the people of that county and an injury to the local manufacturers. At Niagara, two charters have been issued by the parliament of Canada and one by the province of Ontario, and the privileges of exporting electrical energy was given. Two of the companies were monopolized entirely by Americans. The demand for electrical energy was first to be found on the American side

of the Niagara Falls, and as a natural consequence all that was generated went across the line. The object of this Bill is that, while there is a demand for it in Canada, the Canadians shall be allotted a fair proportion, whatever is needed. Under the regulations made with the park commissioners there was a stipulation in all the leases—because the three companies at Niagara Falls, as hon. gentlemen are probably aware, held leases from the park commissioners—that the companies were allowed to export one-half the power generated, and if there was a demand in Canada they must sell to Canadian consumers at a price not higher than that in the United States. However, the demand, in Ontario particularly, by industrial concerns has been very keen for some time to obtain cheaper electricity, and the object of this Bill is to regulate the export. Those parties who are now exporting will not come within the provisions of the Bill until six months after it passes, in order to give them time to adjust their sales to the new conditions, unless they in the meantime take out a license. All parties have to take out a license and submit to the department a statement of their exportation. The penalties for a breach of the Act are very high. I observe that they are not less than $1,000 or more than $5,000.

Hon. Sir MACKENZIE BOWELL—As the Bill was only placed in our hands a few minutes ago, we are not familiar with its provision, and I presume we can discuss it more fully in committee, if it be understood that we will not be confined to the consideration of the particular clauses under discussion.

Hon. Mr. SCOTT—Certainly.

Hon. Sir MACKENZIE BOWELL—In reading the discussion in the lower House there are many points in the Bill which suggested themselves to me as exceedingly objectionable. I wish to refer to one point in particular : The Bill provides for a limitation of the quantity of electric power generated at the Falls to be exported. It occurs to me that though you may regulate and restrict the exportation, hereafter should that power be required for industrial purposes in Canada, the exportation may be stopped. But there is this fact which has no doubt suggested itself to the government of the day : Supposing through the exportation of this electrical power, industries are established on the United States side of the river, and the exportation of electrical energy is stopped, will not the question of compensation come up at once ? It will have the effect of shutting down the industry and thereby entailing great loss to the parties whose money is invested in the industry. The answer to that, I dare say, is that the parties may use water-power or steam. That would be a sufficient answer ; but would it be doing justice to the parties whose industries had been operated by that electric energy. On the little consideration I have been able to give to the question, I think it is a great mistake to permit the exportation at all of electrical power generated at Niagara Falls. It ought to be reserved exclusively for the manufacturing industries of Canada. I foresee a great deal of difficulty and trouble in administering this law, particularly when the industries of this country, which are rapidly growing under the policy adopted in relation to electric power, become large enough to use the greater part of the electricity generated at the Falls. The question is an exceedingly important one. However, we can go more fully into it when we are in committee, and when we have had an opportunity of making ourselves familiar with the details of the Bill.

Hon. Mr. SCOTT—There is no doubt the Bill is open to my hon. friend's criticism. What helps the situation materially, is the action of Congress. Under the influences of people who desire to preserve the scenic beauty of Niagara Falls, Congress passed an Act limiting the amount of electricity which may be imported from Canada into the United States. Strange to say, it is about the quantity that, under the regulations with the park commissioners, was first allowed. The park commissioners stipulated that if there should be a market in Canada, one-half the electrical energy at Niagara Falls should be distributed in Canada provided the rates in Canada were up to to those charged in the United States. However, this Bill goes further than that and provides :

5. Any such license may provide that the quantity of power or fluid to be exported shall be limited to the surplus, after the licensee

has supplied for distribution to customers for use in Canada power or fluid to the extent defined by such license, at prices and in accordance with conditions, rules and regulations prescribed by the Governor in Council.

Hon. Mr. LOUGHEED—Can my hon. friend say whether we import electricity from any part of the United States?

Hon. Sir RICHARD CARTWRIGHT—I think not. I think it is exclusively an export of our own.

Hon. Mr. LOUGHEED—Then this legislation is not a reprisal, but merely to conserve our own resources?

Hon. Mr. SCOTT—It is passed in compliance with a demand in western Ontario for cheaper electrical energy. All that has been generated at Niagara heretofore, excepting a small quantity lately brought to Toronto, has been used in the United States. Two of the companies being composed of United States capitalists, naturally used the electricity on the United States side. The third company, which operates in Toronto, has recently brought electricity to that city to be used for lighting purposes, and also as motive power for the Toronto street railway. The persons who own the larger part of the capital in the company to which I am alluding are also owners of the street railway, and have also the contract for lighting.

Hon. Sir MACKENZIE BOWELL—I must confess I cannot see how the Act of Congress limiting the amount of electricity to be admitted from Canada meets the point I have attempted to make. Any one who has paid attention to affairs at Washington, and the attitude of United States statesmen, must have observed that though large industries on the east side of the Niagara river have for many years been using the waters of the Falls for industrial purposes, there never was a word about the destruction of the scenic affect until Canadians began to utilize the water-power on the Canadian side. Then the statesmen of the republic at once saw that some decided benefit would be derived by Canada by the utilization of the power at Niagara and at once raised a cry that they were destroying the scenic beauty of the Falls. It is on a par with every act of the United States government and Congress whenever anything is done in Canada that they think will give this country an advantage; they at once raise a cry against it, and in this matter they are only following their usual custom. That is one reason why I claim that we should keep for our own purposes the electrical energy generated on the Canadian side of the river. The export may possibly be limited to the surplus for a time, but will that surplus be limited to the surplus of the present day, or will it apply to the surplus of five or ten years hence? Should the use of electricity increase rapidly, will the government reduce the exportation to the United States? And, should that be done, will not the question of damage to industries on the United States side arise?

Hon. Mr. McMULLEN—This appears to be a very important Bill. I have not yet had an opportunity to study its clauses. There is one point on which I should like an explanation: A company of United States capitalists is developing power at Fort Francis, on the Rainy river, and it is expected that 30,000 horse-power will be generated. The citizens of Fort Francis have compelled the company to erect a power house on the Canadian side. Does this Bill empower the Dominion government to charge a license for the exportation of the half that belongs to the United States side? They have agreed to supply power at a very low rate up to what is required on the Canadian side, and they purpose using the remainder on the United States side, until such time as the Canadian demand calls for half the power generated. As the whole of the power is produced on the Canadian side, will the company be compelled to pay a license on the half of the power exported, which properly belongs to the United States side?

Hon. Mr. SCOTT—In that case the parties have made an arrangement between themselves, and the government will not interfere.

Hon. Mr. McMULLEN—There is nothing about that in the Bill.

Hon. Mr. SCOTT—The Canadian side have agreed to allow the company to export power until it is required on the Canadian side, and no difficulty can arise.

The motion was agreed to, and the Bill was read the second time.

## THIRD READINGS.

Bill (PP) An Act to incorporate the Live Stock Insurance Company of Canada, Limited.—(Hon. Mr. David.)

Bill (X) An Act to incorporate the Rock Life Assurance Company of Canada.—(Hon. Mr. Perley.)

## OTTAWA TERMINALS RAILWAY COMPANY.

### THIRD READING.

Hon. Mr. CASGRAIN moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (TT) An Act to incorporate the Ottawa Terminals Railway Company.

Hon. Mr. YOUNG moved that the Bill be further amended by striking out the name of Francis H. McGuigan and substituting therefor the name of Frank Scott. He said: The reason for this is that Mr. McGuigan, who was, at the time of the framing of this Bill, an officer of the Grand Trunk Railway, has since then left the service of the company, and it is proposed to substitute for him Mr. Frank Scott, who is the treasurer of the company.

Hon. Mr. LANDRY—I object to this amendment without notice. Does Mr. McGuigan consent to this?

Hon. Mr. SCOTT—He has left the company's service.

Hon. Mr. CASGRAIN—Mr. McGuigan was second vice-president of the Grand Trunk Railway. Lately he accepted office as vice-president of the Hill system, and, before leaving Canada, was tendered a magnificent banquet by the officers of the Grand Trunk Railway Company, showing that he left in sympathy with the Grand Trunk Railway and to better his position. Now that he is no longer an official of the Grand Trunk Railway, the company would like to substitute the name of Mr. Frank Scott for his.

Hon. Sir MACKENZIE BOWELL—My hon. friend asked was this done with the consent of Mr. McGuigan.

Hon. Mr. YOUNG—Mr. Chrysler is my authority for saying that the change is not questioned in any way.

The motion was agreed to.

Hon. Mr. SCOTT.

**The Bill was then read the third time and passed, under a suspension of the rule.**

**The Senate adjourned until to-morrow at Three o'clock.**

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## SENATE.

OTTAWA, Friday, April 5, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE ROSS RIFLE.

### INQUIRY.

The Order of the Day being called:

By the Hon. Mr. LANDRY that he will inquire of the government.

1. How many rifles has the Ross Rifle Company manufactured, from the time it commenced the performance of its contract with the government up to March 1, instant:
(a) Of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.?
2. How many of all these rifles has the government accepted after inspection thereof:
(a) Of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.?
3. How much, up to March 1 instant, has the government given as payment in full for rifles:
(a) Of Mark No. I.; (b) of Mark No. II.; (c) of Mark No. III.?
4. What is the amount paid in advance for rifles in course of manufacture but not yet finished or not yet accepted on that date, March 1 instant?
5. How many rifles belong to the latter category and of what mark are they?
6. Out of the rifles accepted by the government and wholly paid for by it, how many of each mark have been distributed, and how many of them remain in the military stores?
7. At what places have the rifles been stored which have not been distributed?
8. To whom have been given or sold the rifles that have been distributed? What is the number, of each mark, thus given or sold? What regiments, rifle associations, bodies or individuals whosoever, are now furnished with the Ross rifle, and in what quantity has it been distributed to them?
9. In what respect is the Mark No. II. essentially or especially different from the Mark No. I.?
10. In what does Mark No. III. differ from the two preceding?
11. How many rifles of Mark No. II. have been substituted for rifles of Mark No. I., after a regular distribution of the latter?
12. Were the rifles of Mark No. I. convertible and have they been converted into rifles of Mark No. II.?
13. Will the improvements recently brought about in the rifle of Mark No. II., in order to make out of it the rifle of Mark No. III., be extended to all the rifles of Mark No. II. and to all the rifles of Mark No. I.?
14. If the improvements brought about in the Ross rifle cannot be adapted to rifles pre-

viously manufactured by the company and accepted by the government, what use does the government intend to make of an arm comparatively inferior ?

15. What, on an average, is the proportion of rifles set aside on first inspection by the government ?

16. Out of these rifles rejected on first inspection, what is afterwards, on the average, the proportion of those which a second inspection allows the government to accept ?

17. Has the government concluded a contract with the Ross Rifle Company for the manufacture of a bayonet for this rifle ? When, at what price, and for what quantity ?

Hon. Mr. LANDRY—I suppose the hon. gentleman is quite ready to answer that question now ?

Hon. Mr. SCOTT—I think so. It is a very long question.

Hon. Mr. LANDRY—Yes, and has been a long time on the paper.

Hon. Mr. SCOTT—I was informed that it is all contained in the voluminous report that I brought down some time ago.

Hon. Mr. LANDRY—I perused that report from beginning to end, and from it I learn that there were only 16,500 rifles. Would the hon. Secretary of State inform me if the answers are all contained in that report ?

Hon. Mr. SCOTT—Yes. The answers are all there. The report reads as follows :

1. Not known by the Department of Militia and Defence.

2. (a) 10,500 ; (b) 16,512 ; (c) none.

3. (a) $262,500 ; (b) $400,300 ; (c) none.

4. $366,003.55.

5. 26,500 ; the majority of these rifles will be of Mark II. pattern, the remainder, probably from 5,000 to 10,000, will be Mark III. pattern, or whatever new Mark may be adopted.

6. Rifles distributed; Mark I., 3,210; Mark II., 3,521. Remaining in military stores :— Mark I., 7,290 ; Mark II., 12,991.

7.

| | Mark I. | Mark II. |
|---|---|---|
| London | 49 | 20 |
| Toronto | 105 | 496 |
| Kingston | 23 | 70 |
| Ottawa | 486 | 398 |
| Montreal | 36 | 150 |
| Quebec | 5,662 | 10,969 |
| St. John, N.B. | 42 | 66 |
| Halifax | 90 | 556 |
| Winnipeg | 597 | 100 |
| Victoria | 180 | 166 |
| Charlottetown | 20 | — |
| | 7,290 | 12,991 |

8. None sold. Distributed as per statement attached.

9. (a) Method of extraction ; in Mark I. it is entirely hammer action ; in Mark II. a cam action is introduced, to effect primary extraction.

(b) Method of cocking in Mark I. cocking is effected on closing the bolt ; in Mark II. cocking is effected on opening the bolt.

(c) Method of securing extractor, in Mark II. the extractor is secured to the bolt mechanism to prevent accidental loss, such as might have occurred in Mark I. when the bolt was not in the rifle.

(d) Method of securing the rifle sling, Mark I. has swivels at front band, trigger guard and butt.

(e) Chamber, in Mark II. the chamber is of different dimensions to Mark I. in order to facilitate extraction.

(f) Method of manufacture, in Mark II. methods adopted to produce certain components are different from those adopted to Mark I.

10. There is no Mark III. rifle yet.

11. None.

12. No.

13 and 14. Some changes and improvements in Mark II. are being arranged for. These changes can be extended to all Mark II. rifles and certain of them to Mark I., if considered desirable.

15 and 16. A rifle is not rejected as a whole. Each component is separately inspected and any defective parts are sent back to the factory to be replaced or altered as required and the rifle resubmitted for inspection. No rifles have been rejected after final inspection.

17. No.

| Date. | Corps or Rifle Association. | Mark. I | Mark. II |
|---|---|---|---|
| | *Military District No. 1, London.* | | |
| 1905. | | | |
| Nov. | Goderich R.A. | 15 | |
| Dec. | Sweaborg R.A. | 5 | |
| " | Can. Signalling Corps. | 6 | |
| 1906. | | | |
| April. | Wingham R.A. | 10 | |
| " | Deleware R.A. | 15 | |
| July. | Sparta R.A. | 10 | |
| " | St. Thomas R.A. | 10 | |
| " | Brookdale R.A. | 20 | |
| " | Corps of Guides | 5 | |
| Aug. | Lakeside R.A. | 10 | |
| Sept. | Wallacetown R.A. | 5 | |

| Date. | Corps or Rifle Association. | Mark. I | Mark. II |
|---|---|---|---|
| | *Military District No. 2, Toronto.* | | |
| 1905. | | | |
| Dec.. | Niagara R.A | 15 | |
| " .. | Owen Sound R.A | 10 | |
| 1906. | | | |
| April. | South Grey R.A | 20 | |
| May.. | No. 1 Section R.C.E | | 20 |
| " .. | No. 1 Co. R.C.R | | 144 |
| June.. | 'A' Squadron R.C.R | | 90 |
| " . | 'B' " " | | 90 |
| " . | No. 2 Section R.C.E | | 33 |
| " . | No. 2 Regimental Depot | | 50 |
| " . | No. 9 Co. R.C.R | | 85 |
| July . | 38th Regiment | | 20 |
| " . | 7th " | | 20 |
| " . | 91st " | | 30 |
| " . | 19th " | | 20 |
| " . | 26th " | | 5 |
| " . | 44th " | | 15 |
| " . | 37th " | | 10 |
| " . | 13th " | | 30 |
| " . | No. 1 Co. C. A.S.C | | 8 |
| " . | 33rd Regiment | | 12 |
| " . | 34th " | | 6 |
| " . | 77th " | | 25 |
| " . | 29th " | | 10 |
| " . | R.C.D | | 30 |
| " . | 48th Regiment | | 30 |
| " . | Q.O.R | | 35 |
| " . | 7th Field Battery | | 4 |
| " . | No. 1 Co. 25th Regiment | | 6 |
| " . | 39th Regiment | | 5 |
| Aug . | 30th " | | 33 |
| " . | 24th " | | 10 |
| " . | 12th " | | 15 |
| " . | 20th " | | 15 |
| " . | 10th " | | 30 |
| " . | 32nd " | | 6 |
| " . | Cobourg G.A | | 1 |
| " . | 14th Regiment | | 20 |
| " . | 31st " | | 10 |
| Sept.. | No. 9 Co. R.C.R | | 29 |
| Nov.. | Bear River R.A | 10 | |
| | *Military Dist. No. 3, Kingston.* | | |
| 1906. | | | |
| Jan .. | No. 2 Det. C.A.S.C | 7 | |
| May.. | 5th F.B.R.A | 20 | |
| Oct.. | Elizabethville R.A | 10 | |
| Aug.. | 57th Regiment | | 12 |
| Oct.. | No. 2 Det. C.A.S.C | | 12 |
| | *Military District No. 4, Ottawa.* | | |
| 1905. | | | |
| Nov.. | Aylmer R.A | 10 | |
| Dec.. | North Gower R.A | 30 | |
| Oct.. | Almonte R.A | 10 | |
| Aug.. | Lanark R.A | 13 | |
| Nov... | Almonte R.A | 10 | |
| July.. | C.S. of Musketry | | 75 |
| " . | 43rd Regiment | | 75 |
| " . | 59th " | | 6 |
| " . | 97th " | | 12 |
| " . | The G.G.F.G | | 30 |
| Aug.. | 5th Co. C.A.S.C | | 12 |

| Date. | Corps or Rifle Association. | Mark. I | Mark. II |
|---|---|---|---|
| | *Military District Nos. 5 and 6, Montreal.* | | |
| 1906. | | | |
| April. | Montreal Street Ry. R.'A.' | 15 | |
| July.. | C.P.R.R.A | 5 | |
| Sept.. | 15th F.B | 4 | |
| Nov.. | 5th Royal Scots | | 50 |
| | *Military District No. 7, Quebec.* | | |
| 1905. | | | |
| Sept.. | 6th Regiment C.A | 330 | |
| Oct... | 3rd " C.A | 330 | |
| 1906. | | | |
| April. | Gaspé R.A | 15 | |
| May.. | B Battery | | 71 |
| " . | A " | | 71 |
| June.. | No. 7 Co. R.C.R | | 150 |
| " . | " 3 Co. " | | 140 |
| July.. | " 3 Co. R.C.G.A | | 165 |
| " . | 53rd Regiment | | 25 |
| " . | 45th " | | 4 |
| " . | 65th " | | 30 |
| " . | 3rd Vics | | 30 |
| " . | 1st Regiment P. of W | | 30 |
| " . | 41st " | | 2 |
| " . | 7th Hussars | | 30 |
| " . | 11th Regiment | | 10 |
| Aug.. | No. 4 Section R.C.E | | 18 |
| " . | 14th R.C.H | | 22 |
| " . | 13th Dragoons | | 20 |
| " . | 74th Regiment | | 5 |
| Oct... | Eastman R.A | 10 | |
| | *Military District No. 8, St. John.* | | |
| 1905. | | | |
| Oct... | East Florenceville R.A | 10 | |
| " . | Peel R.A | 10 | |
| " . | Little Presque Isle R.A | 4 | |
| " . | St. Andrews R.A | 20 | |
| 1906. | | | |
| Jan... | 6th Regiment | 328 | |
| " . | Sussex R.A | 15 | |
| April. | Coldstream R.A | 5 | |
| " . | Little Presque Isle | 5 | |
| July.. | Sussex R.A | 5 | |
| " . | Centreville R.A | 5 | |
| Aug.. | 63rd Regiment | | 24 |
| Sept.. | 8th Hussars | | 10 |
| " . | Harvey R.A | 10 | |
| | *Military District No. 9, Halifax* | | |
| 1905. | | | |
| Oct... | Durham R.A | 10 | |
| " . | Truro R.A | 5 | |
| 1906. | | | |
| April. | R.C.R | | 800 |
| " . | R.C.E | | 144 |
| Aug.. | Shubenacadie R.A | 10 | |

| Date. | Corps or Rifle Association. | Mark. I | Mark. II |
|---|---|---|---|
| | *Military Dist. No. 10, Winnipeg.* | | |
| 1905. | | | |
| Nov.. | Tenby Rifle A... | 10 | |
| " . | Tisdale R.A | 15 | |
| 1906. | | | |
| April. | Maymouut R.A | 18 | |
| " . | Lenore R.A. | 10 | |
| " . | Yorkton R.A | 10 | |
| June.. | R.C.M.R | | 120 |
| Aug.. | Kirkella, R.A | 10 | |
| " . | Swan Lake R.A. | 10 | |
| " . | Rosedale R.A | 25 | |
| " . | Fleming R.A | 15 | |
| " . | Dryden R.A | 10 | |
| " . | Coalfield R.A | 7 | |
| " . | Redbury R.A | 10 | |
| Sept.. | Valley R.A. | 10 | |
| " . | Balder R.A | 10 | |
| " . | Oakville R.A. | 10 | |
| " . | Carstairs R.A. | 10 | |
| " . | Brandon R.A | 15 | |
| " . | Beausejour R.A. | 13 | |
| " . | Stoughton R.A | 10 | |
| " . | Exshaw R.A | 20 | |
| Dec... | Oak Lake R.A | 10 | |
| " .. | Yorkton R.A | 5 | |
| | *Military Dist. No. 11, Victoria.* | | |
| 1906. | | | |
| July.. | No. 5 Co. R.C.G.A | | 45 |
| " . | C.A.S.C. | | 2 |
| " . | No. 3 Section R.C.E | | 40 |
| " . | O.S.C | | 5 |
| " . | 5th Regiment C.A | | 20 |
| " . | 6th D.C.O.R | | 20 |
| Sept.. | C.A.S.C. | | 1 |
| | *Military District No. 12, Charlottetown, P.E.I.* | | |
| 1906. | | | |
| May.. | P. of W. College R.A | 10 | |
| Nov... | Granville R.A | 10 | |
| | Total | 1,710 | 3,309 |
| | With sub-target guns | | 200 |
| | Justice Department | | 12 |
| | R.N.W.M.P | 1,000 | |
| | Marine Department | 500 | |
| | | 3,210 | 3,521 |

## CONGESTION OF TRAFFIC ON RAILWAYS IN WESTERN CANADA.

### INQUIRY.

Hon. Mr. PERLEY inquired of the government:

If they have had any communication with the railway companies operating railways west of Lake Superior in western Canada in regard to the congested state of transportation on these railways, and if so, what has been the result, if not, what does the government propose to do regarding this matter?

Hon. Mr. SCOTT—Communication was had, by this department with the Board of Railway Commissioners in the matter, it being under their control and the board advise that they had, during the winter, received numerous complaints respecting the service and car supply on the railways of the northwestern provinces, and had dealt with them as rapidly as possible, with the companies concerned and had succeeded in many cases in obtaining from the companies an improvement in the service. The severe weather conditions of the past winter, combined with the fuel famine that has prevailed, and which taxed the energies of the railway companies to prevent distress, have, however, made it almost impossible to handle the grain traffic satisfactorily. One of the engineers of the board is carrying out an inquiry into the conditions of affairs.

The situation is now, however, relieved, and both on the Canadian Northern and Canadian Pacific railways grain cars are being furnished. On the latter road since February 16, about 21,410 bushels of grain have been shipped from Belle Plaine, bringing the percentage of grain shipped to that market up to 60 per cent. It is believed that there will not be any further cause for complaint.

The whole question of railway equipment and car distribution is receiving the attention of the board, who appear to be fully aware of the importance of the matter.

Hon. Mr. PERLEY—That answer is somewhat satisfactory, inasmuch as the government have started to take some action in this matter. I do not hesitate to say that in my judgment no legislation has come before this parliament within the last two or three years that is of half as much importance as the matter of transportation, particularly in our western country. In my judgment the greatest difficulty in regard to this question in the western district is the shortage of locomotives rather than of cars. I think there are sufficient cars to handle the trade of the western country if there were sufficient locomotives to haul the trains. When a car is loaded 38 or 40 days to go a distance that can be traversed in three days, it shows that there is not sufficient locomotive power to handle the traffic.

If the money which they are spending in the construction of railways were expended in building engines there would be very little trouble in the west, or in any other part of Canada ; but so long as the railway companies have not engines enough to haul the cars, transportation will be blocked. I am advised that to-day, throughout the province of Saskatchewan, two-thirds of last year's crop has yet to be moved. That is a very serious state of things, not only to the farmers who produce the grain, but to the public throughout Canada. The farmers cannot sell their grain, and cannot pay their bills, and those who have furnished them with implements, &c., cannot be paid. I am very glad to hear the hon. gentleman say that the government have taken some notice of it, and I hope the result will be some relief from the present congestion. However, I have no present expectation of any improvement, because there is 6,000 miles of railway under contract in the Northwest to-day, and, if those roads have to be equipped with rolling stock, the shortage will continue to be as great as it is to-day and possibly greater when next year's crop comes to be moved. It is a poor policy to build railways that cannot be equipped. You might as well give a farmer twenty horses to operate his farm, and not give him harness and machinery. There is a grab game going on just now between the great railway companies in the Northwest ; they are building branch lines all over the country in advance of settlement. It was not so in the old days. Then settlement preceded the railways and the facilities for transporting freight were afterwards furnished. I have known an instance where a man had to haul his wheat 100 miles to a railway and the haulage cost him more than he got for the wheat. It is very poor encouragement to a farmer who is raising large quantities of grain to find that there are not transportation facilities to carry it away and that he cannot get paid for his produce. The banks have come to the rescue, it is true, and loaned money ; but it is a loss to the farmer to have to pay interest on borrowed capital. It is a very serious thing this lack of transportation in the west. I do not know how it is in the east, but in the west we cannot get our grain to market after producing it, and all for want of a few more locomotives to haul the trains. If the government can impress upon the companies the importance of supplying more engines, and if the government who, I understand, are building large numbers of cars for the Grand Trunk Pacific would use that money to build locomotives and loan them to the companies for a while, they would be doing a greater service to the country. I am glad to hear that the matter is occupying the attention of the government, and I hope the result will be to increase facilities for transporting the produce of the Northwest.

Hon. Mr. SCOTT—I quite admit that there is ample justification for the criticisms of the hon. gentleman; but I can assure him that repeatedly, during the months of January and February, the Premier wired Sir Thomas Shaughnessy calling attention to the state of things in the Northwest, and the answer was that he was powerless; that they had given orders for locomotives in all directions and could not get them. The Kingston Locomotive Works are filled with orders more than a year ahead. The United States Railway companies are in a very much worse position. I saw it stated in the press that in the month of February there were over a thousand cars detained somewhere between Illinois and Washington. It was particularly pointed out that goods which had been ordered for the Christmas distribution on the Pacific coast of the United States, were stalled in the month of February, showing that the conditions there were really worse then they were in Canada. In one telegram, the Premier suggested that the company should send motive power from the east, but the answer was that they were really short here too, and could not take the engines off the main lines without seriously disturbing the conditions of trade in the country. All I can assure the hon. gentleman is, that a condition arose in consequence of the unexpected severity of the winter and the snow blockade that made it impossible for the railway companies to carry out their engagements.

Hon. Mr. PERLEY—How will it be when they build more railways ?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. McMULLEN—I am interested in a large manufacturing institution in the

southwestern States, and can testify that the shortage of cars has been a very serious drawback this last year throughout that region. Every state has suffered more or less from the very difficulties which my hon. friend says have been experienced in the Northwest. I think the Canadian Pacific Railway and the Canadian Northern Railway deserve great credit for the efforts they have made to overcome the congestion in the Northwest. They have put forth every effort and endeavoured to supply the Northwest with transportation facilities when in reality the eastern provinces, Ontario at all events, has been somewhat neglected. I know of cases where cars were ordered six weeks ahead for the shipment of grain in Ontario and they could not be supplied ; so my hon. friend is complaining of a difficulty that is not confined to the west, but which is experienced all over the continent.

Hon. Mr. JONES—This is one of the most important questions that could come before us, if the House or the government were in a position to relieve the situation. It is, of course, interesting to learn that people in the United States are as badly off as ourselves ; although I do not know that that materially helps the situation in Canada. It reminds me of a story of a farmer at Moosejaw, in the Northwest, who had the misfortune to be burned out. A minister, whose church he attended went to sympathize with him, and said a great many nice things to him, and the farmer, a good old Scotch Presbyterian, did not take so kindly to the sympathy, especially when it was frequently repeated and finally said : 'Yes, Mr. Pastor, it is very serious, but thank God the neighbours are just about as badly off as I am.' That kind of satisfaction does not help. If they are as bad off as we are, they are unfortunate. I have a letter in my hand, received to-day from my office, calling attention to certain conditions of this nature, relating to several cars of goods shipped to northwestern Canada a couple of months ago. We were advised by wire yesterday that they had not yet reached North Bay. These goods were intended for the use of the farmers for spring seeding. They are likely to reach there when the spring seeding is nearly, if not altogether over, and a severe loss will be sustained, because the necessary tools they have contracted for, and expected would arrive, have not reached there. This becomes, therefore a very serious question not only to shippers of goods, but to those who expect them and to the railway system itself, because they are looking for increased returns from farmers by way of increased freight that is to come out. It appears to me that everything has been done that probably could reasonably have been done by the railway companies, and I am not finding fault with them, notwithstanding the fact that the situation is very serious, except in so far as the hon. gentleman opposite who has spoken said in connection with the building of new roads. It does appear to me that something should be done, if possible, to lessen the work that is going on in connection with new railways. There is in many parts of northwestern Canada a race between three systems of railways to reach certain points so that they will have priority of right, or that they will reach a particular section of the country as soon as their rivals, and any one who knows the situation there understands that it is at those important competing points that advantages are afforded to settlers which are not afforded at points other than competing points. That does not alleviate the trouble altogether, even at competing points. I have in my mind an illustration; two cars of wheat shipped from a station at a competing point in November, 1906, were on March 10, 1907, within fifteen miles from the town from which they were shipped, standing on a siding.

Hon. Mr. PERLEY—That shows that it is the want of engines, not the lack of cars.

Hon. Mr. JONES—I do not imagine, from the information that I have been able to gather—and I have devoted a lot of thought to this situation—that the government could help the railway companies in the direction indicated by my hon. friend from Wolesley, in providing locomotives. The government might possibly help the situation in the discouraging for a time the building of new lines. Hon. gentlemen in the west will know that the great railway companies, especially the Canadian Pacific Railway, were energetic last fall, in the building of new lines and in double tracking of their system from Fort William to Winnipeg, in order that they might be in a position to

handle the additional traffic, and large numbers of cars and engines were necessary to look after the various gangs of men. The difficulty they found was that if they did not go on with that work they would be unable to finish it in time to take out this year's crop, and that was a great drawback. There are two great drawbacks in northwestern Canada, and they apply also to eastern Canada. I refer to the great shortage of engines, and to the still greater shortage of competent men to handle the engines and the trains. Both of these conditions together have brought about the state of affairs existing at the present time.

Hon. Mr. FERGUSON—Would the hon. gentleman propose as a remedy that the government should put some check on the building of additional railways ?

Hon. Mr. JONES—I think it would be in the best interests of Canada, if the influence of the government went in the direction of influencing the railways to equip and operate more thoroughly the railways that are built, before they go on with extensions which, if taken care of, must be to the absolute neglect of thickly settled portions of northwestern Canada, that they cannot possibly attend to even now.

Hon. Mr. FERGUSON—Unfortunately, we all appear to lose sight of that view when we pledged the resources of Canada thirty years in advance for the purpose of building the National Transcontinental Railway.

Hon. Mr. JONES—If I may be allowed to say a word with reference to that, I do not think we began too soon to get another great highway into the western part of Canada.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. JONES—I think if we had begun sooner, it would have been less necessary to have hurried the situation as it is being hurried, and hurried as it will, it will be overtaxed before it is completed. If the people in Canada intend that the present continental system from east to west shall take care of western Canada, it will be necessary for either the railway companies or possibly the parliament of Canada to consider a third transcontinental railway to help out the two that will be operating. What we want, and what the government of Canada should undertake to help us to do, is to obtain thousands and thousands of more men to help take care of the industrial situation as it is in Canada to-day. That and large numbers of engines and cars would materially help the situation. We have outgrown the conditions absolutely, and the whole system of railways in northwestern Canada is paralyzed with the congestion of traffic. It is true that the present situation has been brought about partially because of the climatic conditions, conditions that are unusual, and almost, I think, unheard of in northwestern Canada. But, notwithstanding that, and under the most favourable conditions, the people of northwestern Canada would have suffered seriously this season for the want of railways. I have in my mind a circumstance that I know of my own personal knowledge. In one of the sections of the country where wheat is very largely grown, farmers had on order in January over 600 cars which they asked to have to load at that station. Up to a recent date they had received but ninety cars—and 510 cars standing still on order. The grain cannot be moved till after seeding. People who know the country, and know the conditions, will understand that no considerable quantity can be moved out during the seeding time, and the farmers are prevented from taking care of the work which crops up in the country between seed time and harvest, the summer fallowing, &c. A great deal of the grain is stored in temporary storage bins at home, not so well designed to take care of the grain in bad weather as the bins in the older sections, and great losses will be brought about because of these conditions. These are not conditions which can be overcome by any of the railway companies or by the government ; but I think they can be helped somewhat if both work together in the direction of endeavouring to lessen for a time the rapid growth in the mileage of railways and by engaging men and engines to more fully operate the roads than we have at the present time.

Hon. Mr. FERGUSON—We might continue this discussion indefinitely with some profit ; but I do not think there is anything before the Chair.

The SPEAKER—There is nothing before the House.

Hon. Mr. DAVIS—If this debate is to proceed, I desire to take part.

Hon. Mr. SCOTT—No it is altogether irregular.

Hon. Mr. DAVIS—I shall bring it up when the Canadian Northern Bill is being considered, so that just as much time will be occupied.

## THIRD READINGS.

Bill (88) An Act to incorporate the Ontario and Quebec Ferry Company.—(Hon. Mr. Young.)

Bill (XX) An Act respecting certain patents of Philip J. Green, Melvin Hunt and John D. McMurrich.—(Hon. Mr. Kerr.)

## CANADIAN MUSICAL DRAMATIC ASSOCIATION BILL.

### WITHDRAWN.

Hon. Mr. CLORAN, from the Standing Committee on Miscellaneous Bills, to whom was referred back the report on Bill (I) an Act to incorporate the Canadian Musical Dramatic Association, Limited, with instructions to remove the provision respecting lotteries, reported that the promoters of the Bill asked permission to withdraw it and the committee had recommended that their request be granted.

Hon. Mr. CASGRAIN moved that the report be concurred in.

The motion was agreed to.

## THE RULES OF THE HOUSE.

### MOTION.

The notice of motion being called :

Hon. Mr. POWER will move :

1st. That (i) of rule 25 be amended by inserting after the word 'amendments' the words 'to a public Bill.'

2nd. That the four rules following be inserted after rule 31, that is to say :

Any substantive motion which has been adopted by the Senate, other than a motion relating to a Bill, may be reconsidered at the next sitting of the Senate : Provided, that notice of the proposed reconsideration is given during the sitting of the Senate at which such motion is adopted. Such notice may be given at any time during such sitting.

The motion to reconsider must be moved after 'Notices' and 'Inquiries,' and before 'Motion' on the next sitting day, unless postponed to some certain time by leave of the Senate.

When a motion for reconsideration is decided, that decision shall not be reconsidered ; and no question shall be twice reconsidered.

An order, resolution or other vote of the Senate, not being a motion for a stage of a Bill, may be rescinded ; but no such order, resolution or other vote shall be rescinded during the same session, unless seven days' notice be given and at least one-half of the whole number of senators vote in favour of its rescision : Provided that, to correct irregularities or mistakes, one day's notice only shall be sufficient.

3rd. That the following be inserted after rule 102 : 'A public document quoted from by a minister of the Crown may be ordered by the Senate to be forthwith laid upon the table ; unless it is stated by the miniser to be of such a nature that its production would be inconsistent with the public interest.'

4th. That the changes in the numbering of certain rules, made appropriate by the foregoing additions, be duly made.

Hon. Mr. POWER—The first motion of which I have given notice is to amend clause (i) of rule 25. Rule 25 deals with motions for which no notice is required, and paragraph (i) reads as follows :

For the consideration of Commons amendments forthwith or on a future day.

If hon. gentlemen will turn to rule 131, at page 52, they will find that it reads as follows :

When any private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a committee of the whole, or to the select committee to which such Bill was originally referred.

Consequently this paragraph (i) does not apply, because that paragraph provides for the immediate consideration of Commons amendments without any notice and it is unnecessary, I therefore move the adoption of the first motion.

The motion was agreed to.

Hon. Mr. POWER—With respect to the next motion which applies to four rules, I may say for the information of some hon. gentlemen who were not here two years ago when the new rules were under consideration, that the four rules which are here set out were reported from the committee; and I may add that, when they were first considered, they were adopted in the House, but an hon. gentleman who objected to reconsideration succeeded in having these rules reconsidered at the next sitting of the House and they were stricken out. The rules, as

hon. gentlemen know, have been in print for some time, but it has been the practice to have in addition to the rules some forms of procedure, the British North America Act, and some other enactments which bear directly upon the work of the Senate, bound together in a volume ; and if any changes are to made in the existing rules, it is felt that this is the time to make the changes. Some hon. members think it would be well to insert these rules, which were not adopted, in the body of the rules. The substantial ground which was taken against the adoption of these rules was that when an Act is done by the Senate that Act should not afterwards be disturbed ; that there should be some permanence and finality about the action of the Senate. We all concur in that, subject to a slight qualification, which you find embodied in the saying 'be sure you are right, and then go ahead.' If no mistake has been made, I think we should stick to what we have done. But the English rule is not inflexible. Hon. gentlemen will see why it is not desirable that it should be inflexible. In the first place some comparatively important measure may be decided in a very thin House and the measure may be supported only by a very small minority of all the members of the Senate. I think it will strike every hon. gentleman that, in a case of that sort, the House, when a much larger number of senators are present, should have an opportunity to reconsider that action. That is the case where action is taken in a thin House. For instance, Friday afternoon we very often have a thin House, and it would be regrettable that any action taken under such circumstances should be final in every case. Then again there are cases where action is taken hurriedly. That happens in the most prudent legislative body. The Senate is a very prudent body, but once in a while it is liable to take action without sufficient information or sufficient consideration. The ground taken two years ago was that in England, under the British practice, you could not reconsider. I wish to direct the attention of the House as briefly as possible to a couple of authorities which show that that is not the case. At page 452 of Bourinot, the last edition, the author lays stress on the importance of having fixity of action, and he says unless such a rule were in existence the time of the House would be constantly frittered away in the discussion of motions of the same nature, and the most contradictory decisions would be arrived at in the course of the same session. Consequently, if a question or Bill is rejected in the Senate or Commons, it cannot be revived again in the same House in the same session. Then follows what I desire particularly to call the attention of the House to :

> Circumstances, however, may arise to render it necessary that the House should reconsider its previous judgment on a question, and in that case there are means afforded by the practice of parliament of again considering the matter. Orders of the House are frequently discharged and resolutions rescinded. The latter part of the 13th rule of the House of Commons provides 'no member may reflect upon any vote of the House except for the purpose of moving that such vote be rescinded.' in such a case, the motion will first be made to read the entry in the Journals of the resolution, and, when that has been done by the clerk, the next motion will be that the said resolution be rescinded, or another resolution expressing a different opinion may be agreed to.

I do not know that it is necessary to read anything from May, because Bourinot practically borrows from May, and at page 300 of the last edition of May, hon. gentlemen will find the same doctrine laid down. So that, clearly, under the English system resolutions of the House may be rescinded ; and we had an example of that the other day here when the hon. gentleman from Stadacona gave notice that on a certain day he would move that a certain entry in the Journals be read, and gave notice of a second resolution that he would move that that resolution be rescinded. The question is which is the better plan, the plan which we have now, or the one which is proposed in the resolutions which I have the honour to submit. The rules which I have the honour to submit, provide that notice to reconsider is to be given at the sitting of the House at which the motion objected to has been passed, for the next sitting. Every hon. gentleman who is present has notice that a motion to reconsider will be made. The notice appears on the Minutes. Every hon. gentleman who can make it convenient to attend the next sitting of the House has notice that this motion to reconsider is to be moved : there is no serious delay incurred, and then the matter is finally settled at the next sitting ; because

the third resolution provides that the decision arrived at the second time shall not be reconsidered. And, further, I wish to call the attention of hon. gentlemen to the fact that these rules do not affect Bills, because a Bill has to go through several stages, and hon. members have numerous opportunities to oppose a Bill if it contains any objectionable feature. It does not, of course, affect routine motions. It just affects substantial motions such, for instance, as the adoption of a report of a special committee on some question of importance. I find that in the same resolution the question of rescinding is dealt with. The rule which the committee reported as to rescinding is the same, I think, as the rule which prevails in the Senate of the Commonwealth of Australia. This rule provides that where a resolution has been adopted—where any action of the Senate has been taken—and there has been no reconsideration, then there should be a week's notice of any motion to rescind that resolution, and that a majority of all the members of the Senate should be required to rescind. I think that that is a prudent provision, because otherwise you would be liable to have, in the closing days of the session, some important action taken by the Senate in the earlier part of the session, when the House was comparatively full, rescinded. To require a week's notice and a vote of the majority of the whole Senate is not too much.

Hon. Mr. FERGUSON—It would have been more convenient if my hon. friend had moved that the House go into Committee of the Whole to discuss these four resolutions. One of these amendments provides that we may deal with a substantive motion which has been adopted by the House during the same session on a motion for reconsideration, and another is that we may deal—although it is not stated in quite the same words—with the same class of motion by a process of rescission, which, as my hon. friend has pointed out, is the British practice, and is the practice which remained to us after the adoption of these rules and which was invoked by the hon. member for Stadacona during the present session in order to test the sense of the House as to whether a certain action of the House should be reversed. A motion to reconsider, my hon. friend will admit, does not belong to British practice, although it is quite common in the United States and also in the Australian colonies. This matter was discussed very fully a year ago, not once or twice but three times in this House, after it had left the committee, and there was a great deal of difference of opinion as to the expediency of reconsideration. It was held by many hon. gentlemen, especially by the hon. senator from DeSalaberry, who I regret is not present now, that a motion to reconsider only opened the door. In the very nature of the term it would not mean more than that. But the resolution, as my hon. friend has it here, must mean more than that—must mean that a motion to reconsider would be almost a motion to reverse the decision. I observe that he shakes his head in dissent from that suggestion. Does he mean that after you make a motion to reconsider you cannot rescind without calling into effect the remaining resolution with reference to rescinding? If so you would have then to give seven days' notice after having opened the door.

Hon. Mr. POWER—When a motion for reconsideration is decided in the affirmative there is a decision that such a vote shall be reconsidered. That decision will not be reconsidered. An hon. member could not move that that be reconsidered.

Hon. Mr. FERGUSON—I think the only effect of the motion is to open the door. Then if you wanted to rescind you would have to proceed under another rule. I do not think there is any necessity for having two provisions. We have got on very well under the British practice. However, I have no very strong opinions on the subject, though I think one or the other would have been sufficient. I think, after my hon. friend tried to reverse—if that was his object—a substantive motion adopted by the House, he would move his motion to reconsider, and having carried that, would have to give his second notice to rescind, and it would go over for a week. He may not mean it that way, but I think that is the interpretation that would have to be put upon it. It is not very often we have to resort to anything of this kind. We should adopt either one or the other rule, and make it clear that we take power to go further on consideration and reverse what

has been done, if not let it stand on the principle of rescission as laid down in May and Bourinot, and in accordance with British practice.

Hon. Sir MACKENZIE BOWELL—We have a very good illustration of one statement made by the hon. member from Halifax in the thin House here to-day. If any senator desired to take advantage of a thin House he should always select Friday afternoon or Friday evening to accomplish his object. This question was discussed very fully in committee, and the proposition was rejected by a large majority of the Senate. Like the hon. gentleman from Marshfield, I have no very strong opinion on this question. But there is a point in it that in parliamentary practice I think we all know, that the principle of legislation in the British parliament, and also in this country, is that no question after having been considered by the Commons, or by the Senate, can be reopened during that session, and the great difficulty that presents itself, to my mind, in opening the door in the manner in which it is proposed to open it now, is that you may have a dozen questions brought up a second time. It is true that the proposed amendment of the rules provides that a reconsideration cannot take place twice during a session ; but you may have a dozen questions on which you may take advantage of this rule in order to bring them before the House ; so that the questions which have been fully discussed by a full House, as this very question was, may be brought up at any time and at a period similar to the one which we are now discussing, with a quarter of the full membership present. I am at a loss to know exactly what is proposed here. It says, after giving seven days notice, that the reconsideration must be carried by at least one-half of the whole number of senators. If that means anything, it seems to me to mean a majority of the full number of senators, and not a majority of those who are present at the meeting at which it is considered. If I interpret that correctly, that seems to me to be the only construction to be placed upon those words. Supposing the adoption of the amendment of the rules depended upon a vote to-day, we have not a quarter of the members of the Senate present, and, consequently, it would be impossible to carry any of these motions, providing it is advisable that we should adopt the rule, unless we had about forty-five members present when the matter was considered, and then you must have the full forty-five voting for it. As an hon. gentleman behind me states, the matter could not be brought up on a Friday. If it said 'one-half of the number of the senators present,' then there would have been no difficulty in coming to a decision on what could or could not be done. I do not propose to divide the House upon this question, but I do really think that the rules that have guided legislation, not only in the imperial parliament, but in Canada since confederation at least—and I do not know particularly except from reading, what took place before that—were all that was necessary for the proper maintenance of order and the consideration of questions. Old members of the House of Commons will remember that whenever a question was proposed for a second time it was ruled out of order at once, and there was an end of it. I do not know that any difficulties may arise out of this ? This is a rule in Australia, where they have adopted a great many rules which I do not think are at all suited to our system of government, because they are much more democratic in Australia than even the United States on very many questions ; they have placed in their rules very many objectionable provisions, to my mind, and I do think that if the hon. gentleman would content himself with adopting the first amendment, to which there is no objection, and which makes the rules plainer, it would be much better for the Senate and for our legislation in the future.

Hon. Mr. YOUNG—I agree with the remarks of the hon. gentleman from Belleville. He has reflected my views clearly with regard to this question. The hon. gentleman who has brought this matter again before the House deserves a great deal of credit for the study and attention he has bestowed on our present rules whilst chairman on the committee on rules two years ago. There is no question at all, that in regard to the rules as we have them, we owe a great deal to the efforts of the hon. gentleman from Halifax as chairman of that committee ; and I also give him the credit of being persistent in his efforts to have certain amend-

ments to the rules which he always favoured even in the committee. This whole question was brought up last year and discussed at a very full meeting, if my memory serves me right, of the Senate, and it was decided by a majority on that occasion that these two amendments that are now proposed should not stand part of the rules of the Senate. I was one of those who voted with the majority on that occasion, and I am still of the same opinion, and as the hon. gentleman from Belleville has pointed out, the example quoted by the hon. gentleman from Halifax, we have before us to-day, of a thin House doing something which perhaps, if a full attendance had been present, it would not do. But I am not going to take up the time of the House in going over all the arguments of last year. I will simply read the declaration which Bourinot sets out on page 452, which is copied from May :

> It is, however, an ancient rule of parliament that no question or motion can regularly be offered, if it is substantially the same as one on which the judgment of the House has already been expressed during the current session.

That is the starting point. It is true there are exceptions under the British practice, and we decided as a House last year that these exceptions were sufficient—or in other words the British practice was sufficient, for the guidance of the Senate and that this practice would meet all the circumstances that might arise hereafter, so far as variations might be necessary from the ordinary rule. Hon. gentlemen will notice that while the British practice provides for exceptions against the general rule, if we adopt the suggestion of the hon. gentleman from Halifax there are no exceptions at all. Every substantial motion outside of motions which relate to Bills, may be reconsidered in the same session of the Senate, so that we depart from the ancient rule and the British practice by making the exception our rule, instead of the good rule which has prevailed so long. I do not know whether I have made myself clear or not, but hon. gentlemen can see that this is a very wide departure, and I call your attention to it, because the hon. gentleman who has moved this motion relies on the support of the House, on the ground that there is already in practice a safety valve, which, if it is a good thing in a minor way, if the deduction I gather from his argument is correct, would be a much better thing in a broader sense of making every motion passed by the House subject to reconsideration upon a day's notice. If my hon. friend is logical, why stop at the second consideration ? If our wisdom is better and better as we go along why not keep on reconsidering questions and possibly our decisions will be still better. I think that the conclusion we arrived at last year was a safe one, but that we have a safety valve now which gives sufficient opportunity to correct mistakes which may arise, or any judgment of the House on matters which, from one cause or another, we may have more light upon later, and I think we should rest our case on that. My hon. friend says, in support of his contention, that very recently the hon. gentleman from Stadacona had recourse to the procedure which he now urges upon this House. I should like to call attention to the fact that had this amendment been a rule of the House upon the occasion on which my hon. friend from Stadacona made his motion he could not come under this rule at all, because the motion which he made the other day was in relation to a Bill. It was an instruction to a committee on a Bill, and I take it that this amendment would not apply to his case in the slightest degree. In giving instructions to a committee, you may give a dozen instructions under the British practice. I question the procedure of the other day, although I raised no objection to it, nor did anybody else. I am sure we were all willing to allow the action to be taken. I think the hon. gentleman could have followed a different procedure which would have been more correct ; therefore he did not require to have a rule of this kind in our book of rules to help him out in the slightest. Last year we decided, with a very full House, that this change was not desirable. I think I can appeal to hon. members, that with the thin House we have to-day it would not be wise; at this particular time of the session, to make any change, but rather to leave our rules as we have them at present. I have every regard for the judgment of the hon. senator from Halifax, but I think in this case he should have accepted the

verdict of the House last year, and left our rules as we have them now, retaining the good old practice that prevails at present and in regard to which, so far as my observation goes since 1900, we have never yet been inconvenienced by the practice which prevails, so far as my experience goes in this House, and I think hon. gentlemen will bear me out in that statement. So far we have had nothing to cure. First we have the safety valve that I mentioned a few moments ago, and I think that is quite sufficient. It would be a dangerous power to place in the hands of any member of this House. For instance, to-day, at the opening of this House, there were quite a number of members present. A question might have been decided in the affirmative, and I at the close of the sitting might move to reconsider that very question on Monday with, possibly, a very small attendance here. It is not reasonable to suppose that hon. members who left here with the idea that that matter was settled would get notice for Monday. They might be here and might not be here. There might be an unfair advantage taken in that way. If I were a designing character, I might so arrange with those who were in favour of my view to be sure to be in attendance on Monday, and a few minutes before six, because it says a notice of motion may be given at any time before the sitting of the House closed, a few minutes before six I would give my notice, and would have those in favour of my view on hand on Monday and the decision of the House might be reversed, and then it could not be reconsidered—a decision which a majority of the House would not for one moment favour. There is a danger that I can foresee, which I think we should avoid. Last year, hon. gentlemen will recollect, it was pointed out that the Senate is a deliberative body, and when it gives its decision, it is supposed to give it after due consideration, and it is not a compliment to the Senate to say that we should ask to have a second chance to decide a matter—we are the highest court in the realm, the only one who asks to have a second chance to give a decision on a question which, in the very nature of things, should in the first place have been given with the deliberation necessary to secure a correct and just verdict. I think it is rather a reflection on the House to suggest that we should have a second trial of the same question.

Hon. Mr. SULLIVAN—If I understand it aright, no change could be made in the motion unless the whole House were notified and the majority of the Senate approved of it. Is that right ?

Hon. Mr. YOUNG—Oh, no. Does my hon. friend refer to the amendment now before us ?

Hon. Mr. SULLIVAN—The resolution that was passed.

Hon. Mr. YOUNG—In the amendment proposed for reconsideration it does not give any number, but in the notice for rescinding it is provided that at least one-half of the number of senators should vote in favour of the proposition.

Hon. Mr. SULLIVAN—You could not make any change until you notified a majority of the Senate; they would have to be cognizant of any change.

Hon. Mr. YOUNG—If I give notice before this House rises, every member present may know of it, and half of them may not know of it. There is no cast iron rule that every one shall be notified, but it is supposed to be the duty of every one to be present and get his notification in that way. I trust that hon. members will leave the rules as they are, in so far as the question now before the House is concerned.

Hon. Sir MACKENZIE BOWELL—This is a matter affecting the management of debates and proceedings of the Senate which may materially interfere with the government in many respects, and I wish to ask if the government has any opinion upon it?

Hon. Mr. SCOTT—I do not think the government have any opinion on the subject. The government was really not represented on the committee at which the rules were formed. I may have been named a member of it, but I never attended it, so that the rules were made by the body of the House.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman was present when the vote was taken rejecting this provision.

Hon. Mr. SCOTT—I relied upon the wisdom of the majority.

Hon. Mr. FERGUSON—Does the hon. gentleman think it would be all right for

a small House of twenty-four members to reverse the deliberate action of the Senate on this question a year ago, with a full House ?

Hon. Mr. POWER—With respect to that objection, this notice has been on the paper for at least a fortnight—from March 19th and hon. gentlemen have had notice that it was coming up, and I do not think it can be pleaded that there has not been sufficient notice. I observe that there appears to be in the minds of some hon. gentleman a tendency, for which the form of resolution was perhaps responsible, to mix up reconsideration and rescinding. They are two totally different things. I think the hon. gentleman from Killarney said, if I caught his meaning, that I wish to make a general rule of what is now the exception. The truth is that the general rule now is that any member of this House can at any time whatever, on giving two day's notice, move to rescind any resolution of this House passed during the same session. Now, instead of making that easier the proposed rule makes it more difficult. A member has to give notice of reconsideration at the sitting of the House when the motion or resolution is adopted. That is a protection to the House. He cannot wait until three or four days or a week after and then take his action perhaps at the close of the session. It will be seen that the effect of the first part of this resolution is to protect the House. The hon. gentleman from Killarney also told us what might happen if, late on Friday afternoon, a notice was given and hon. gentlemen might not be here on Monday. The hon. members of this House, as a rule, consult the Minutes, and there they would find the notice for Monday. Then the hon. gentleman laid stress—and I was a little surprised at that —on the fact that the Senate was a deliberative body. I remember that was one of his strong arguments a year ago; but the hon. gentleman's memory is not so short that he has already forgotten that the Senate, in Committee of the Whole, adopted these rules. The Senate supposed then to be a deliberate body did that notwithstanding the hon. gentleman's arguments. When the Senate met again, and we resumed in Committee of the Whole consideration of these rules, the hon. gentleman's arguments I suppose had had time to sink into the minds of hon. members, and several hon. gentlemen voted differently from the way in which they voted on the previous occasion. So that I do not think the hon. gentleman is serious when he lays such stress on the fact that the Senate is a deliberative body. The object of the notice to reconsider is to provide that there shall be a deliberate judgment of the Senate, and that there shall be no snap vote.

Hon. Mr. LOUGHEED—When this matter was up for consideration last year, I did not feel as actively interested in the question as some members of the House, but owing to what I might term the acrimonious discussion that ensued, I think it would be extremely unfortunate that we should dispose of so important a question, and one which gave rise to so much diversity of opinion when so few members are present. I therefore move the adjournment of the debate.

The motion was agreed to.

## MONDAY SITTINGS.

### MOTION.

Hon. Mr. SCOTT moved :

That when the Senate adjourns to-day, and on subsequent Fridays, until the end of the session, it do stand adjourned until the following Monday, at three o'clock in the afternoon.

Hon. Mr. KERR—I was asked by several members who left this afternoon to suggest that it would be more convenient to them to meet on Monday evening. If there is any urgency about it, I will not press the request.

Hon. Mr. SCOTT—If it is the feeling of the House, I have no objection.

Hon. GENTLEMEN—Three o'clock.

The motion was agreed to.

## INTERCOLONIAL RAILWAY—BRANCH TO SYDNEY MINES.

### INQUIRY.

Hon. Mr. McDONALD (C.B.) inquired of the government :

1. Is the Intercolonial Railway branch from North Sydney to Sydney Mines on the track of the Nova Scotia Steel and Coal Company's Railway, and if so, for what distance ?

2. What arrangement has the government made with the Nova Scotia Steel and Coal Company in this matter ?
3. What amount has been or will be paid to the Nova Scotia Steel and Coal Company for this privilege ?
4. Is the Sydney Mines Railway station contracted for ?
5. Who has the contract ?
6. What is the amount of the contract ?

Hon. Mr. SCOTT—The answer is as follows :

1. No, the Intercolonial Railway use their own track.
2. Answered by number one.
3. Answered by number one.
4. Yes.
5. Chappell Brothers & Company.
6. $6,980.

## MEDICAL INSPECTOR OF IMMIGRANTS AT SYDNEY, C.B.

### INQUIRY.

Hon. Mr. McDONALD (C.B.) inquired of the government—

If Dr. J. W. McLean, North Sydney, is in the employ of the government in connection with immigration or otherwise ?
What is the nature of his duties?
What is his salary ?

Hon. Mr. SCOTT—the answers are :

1. Yes.
2. He is medical inspector of immigrants at Sydney, Cape Breton.
3. $1,000 per annum.

## INCOMPLETE RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to direct the attention of the leader of the Senate to the incompleteness of the returns brought down in answer to questions of mine with reference to contracts let on the Grand Trunk Pacific and National Transcontinental Railway. I made inquiries to ascertain the amounts of the contracts. I thought I had made my motion sufficiently comprehensive to include the rails and ties. Before preparing my motion, I consulted an excellent railway authority who told me that that would be held to mean the cost of the ties and rails as well as of the other work. However, it appears it was not so understood by the department, and the return brought down did not contain the cost of the ties and rails. Then I made a supplementary motion, asking for this information which had been omited in connection with all the sections of the road about which they had supplied the other particulars. Yesterday my hon. friend brought down what purported to be the supplementary information that I had asked for. Now, when I compare the information that was brought down with the returns previously given by my hon. friend, I find that there are discrepancies. I find that the return of yesterday enumerates two sections not included in the original return, so that I have for these two sections the cost of the ties and rails, but not the major part of the cost of those sections.

Hon. Mr. SCOTT—Are they under contract ?

Hon. Mr. FERGUSON—They must be under contract. It is only with regard to sections under contract that I ask for this information, and it seems to me there can be no doubt that they are under contract and that this supplementary information is supplied with regard to them ; but it is of no value to me, because I have not got the major information that I asked for. It looks as if the department had made a mistake, and thought they had already given me the information with regard to ballasting, track laying, grading, &c. But in addition to that, I find there is another section about which I had a return of the cost of ballasting, tracklaying, and grading 150 miles, for which the supplementary information is not given.

Hon. Mr. SCOTT—Will the hon. gentleman give me a memo. of the missing information, and I will try to get it.

Hon. Mr. FERGUSON—There are two sections about which I have some supplementary information, and there is another section as to which I have the main information, but no supplementary information. I will give my hon. friend a memo. of it after the House adjourns. I have been a long time trying to get this information, and I hope this will complete it, at least for these sections.

## DELAYED RETURNS.

Hon. Mr. FERGUSON—I should like to ask my hon. friend when I may expect to get some returns for which addresses of

this House were passed some weeks ago ? One was with reference to the operation of the steamer 'Montcalm'. It must be nearly a couple of months now since I made that motion. There is another with reference to the operation of the Civil Service Insurance Act, a very simple return. I think it would not take long to get it ready. Then there is another with reference to exhibits.

Hon. Mr. SCOTT—I think that was brought down.

Hon. Mr. FERGUSON—I have not been able to find it if it has been. My hon. friend, I think, has reference to the first inquiry I made with regard to this. Afterwards I moved for a return. I may say that I noticed that leave had to be obtained in the House of Commons to get these exhibits for this House ; that they are held to be in the custody of the House of Commons. The Minister of Finance has to make a motion in order to get the permission of the House of Commons to furnish those exhibits to the Senate. I cannot understand why the exhibits pertaining to a report of a royal commission, submitted to both Houses of parliament should not be as much in the custody of this House as of the House of Commons ; but I notice in 'Hansard' that an application had to be made to the House of Commons in order to get the consent of that House to bring those exhibits here.

Hon. Sir MACKENZIE BOWELL—I am very glad the hon. gentleman has brought that question before the Senate. When I noticed the action of the House of Commons on this matter, I proposed to ask the government under what rule or principle public documents coming, as in the present case, from a royal commission appointed by the government, are submitted to the House of Commons, and cannot be furnished to the Senate, even when asked for by a motion of this House, without the consent of the House of Commons. I have been unable to ascertain any authority for taking a position of that kind. Why not the same principle apply to any departmental report laid before the House of Commons ? These reports are public property and, when the commission made its report, it certainly was as much public property as the Finance Minister's annual report laid before parliament. I intended to ask for information, because I have not been able to ascertain any authority for taking that position. Perhaps my hon. friend from Killarney (Hon. Mr. Young) who occupied the position of Speaker for a number of years in one of the provincial legislatures, may be in a better position to give information on this point than I am. If he has any information to justify the position taken by the Minister of Finance on this question, I should like to hear it. If not, perhaps the Speaker might give us some information.

Hon. Mr. FERGUSON—I might be allowed to make this explanation. I inquired of the secretary of the insurance commission, who is now back in his department, because my hon. friend told the House that we could examine the documents of the insurance commission in the Finance Department, and I did so. I knew they were there. Since then, seeing this notice elsewhere, I asked the secretary to explain it. He said they were not laid on the table of the House of Commons at all, but that they had been taken into the custody of the House of Commons ; but how they could be taken into the custody of the lower House is something I cannot understand.

Hon. Mr. SCOTT—I am afraid I cannot give any explanation. The rule, if there is one, must be a very ancient and absurd rule, as there are such rules, no doubt, between the two Houses. The Senate was quite as much entitled to the documents as the House of Commons. The information I had was that they were to be left in the Finance Department where they would be available to anybody calling to see them. I do not know how they got to the House of Commons. It is too ridiculous to say that the Senate should not have as free access to them as the House of Commons.

Hon. Mr. LOUGHEED—Does my hon. friend know of any practice that would warrant the exercise of such a right ?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—May I ask why it has been invoked by the House of Commons ?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. LOUGHEED—Who has asserted that right on the part of the House of Commons? Is it the clerk?

Hon. Mr. SCOTT—The shortest way is to see Mr. Flint and ask him about it, and I have no doubt he will say that any exhibit you want can be taken over.

Hon. Sir MACKENZIE BOWELL—The question arose in the House of Commons in this way: the motion was made to have them laid on the table of the Senate, and then the Finance Minister, in the other House, stated that they could not comply with the request made by the Senate until he had received the authority of the House of Commons to surrender the custody of the exhibits and send copies of them to this House.

Hon. Mr. FERGUSON—We were not seeking the documents; we only wanted copies.

Hon. Mr. LOUGHEED—It may have been a wrong assumption on the part of the Finance Minister.

## THIRD READINGS.

Bill (108) An Act to amend the Canada Shipping Act.—(Rt. Hon. Sir Richard Cartwright.)

Bill (LL) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Young.)

Bill (94) An Act to incorporate the Nipissing Central Railway Company, as amended.—(Hon. Mr. McKeen.)

Bill (48) An Act respecting the Canadian Northern Quebec Railway Company, as amended.—(Hon. Mr. Watson.)

## HAMILTON RADIAL ELECTRIC RAILWAY COMPANY BILL.

### THIRD READING POSTPONED.

Hon. Mr. YOUNG (in the absence of Hon. Mr. Gibson) moved a third reading of Bill (MM) An Act respecting the Hamilton Radial Electric Company.

Hon. Mr. KERR moved in amendment that the Bill be not now read the third time, but that the following words be added to section 1 thereof:

And all rights, privileges and immunities which the company has heretofore been entitled to under its Act of incorporation and amendments thereof and otherwise are hereby continued and confirmed.

Hon. Mr. SCOTT.

Hon. Mr. LOUGHEED—In what way has doubt been thrown on the right of the company to exercise all its previous privileges and immunities?

Hon. Mr. KERR—It will be remembered that when this Bill was before the committee there was a discussion as to whether it should be declared a work for the general advantage of Canada, and the contention and the view adopted was, that it had been in effect created a work for the general advantage of Canada by reason of the general Railway Act. Hon. gentlemen will remember that Mr. Gibson of Hamilton pointed out that under the Railway Act of 1888, and the subsequent legislation relating to the Railway Act, it did come within the words defining it to be a work for the general advantage of Canada, and this is only providing for continuance of the rights created by the clause in the Bill.

Hon. Sir MACKENZIE BOWELL—Did he not also point out that by the decision of Judge Street these rights could not be taken away, and it is to give that effect that these words are put in.

Hon. Mr. KERR—That is all.

Hon. Mr. LOUGHEED—I had not the fortune to be present when this Bill was discussed in the Railway Committee. It seems to me the question must necessarily arise, that if this company chooses to come to the federal parliament it must abandon any privileges and immunities inconsistent with the federal law. Consequently, if we pass this proposed amendment which my hon. friend now moves, and which seems to me to be an extraordinary amendment, one which certainly is never moved in connection with provincial charters heretofore obtaining federal powers, that it would practically give the company all the powers enjoyed as a provincial company as well as the advantages of a federal company, and yet the advantages it had as a provincial company would be superior to those which we are now giving it, and it might possibly be able to, in fact, ignore the obligations thrown on it by federal legislation.

Hon. Mr. YOUNG—Are those powers in conflict?

Hon. Mr. KERR—No. I do not understand there are any powers in conflict.

What was pointed out was this, that the company having been incorporated with certain powers, and the application of the Railway Act of 1888 upon that charter made it incidentally a work for the general advantage of Canada, that, therefore, it had been all along of that nature.

Hon. Mr. LOUGHEED—Has it ever been a Dominion company until now ?

Hon. Mr. KERR—No. It is only by virtue of its being a provincial incorporation which came within the lines of this provision declaring it to be a work for the general advantage of Canada.

Hon. Mr. LOUGHEED—Under the old Railway Act, a large number of provincial companies were enumerated.

Hon. Mr. KERR—This was not one of them ; but it was by virtue of that Act, and what was contended was that the statute of 1888 having operated upon it, it became immediately and definitely a work for the general advantage of Canada and that the British North America Act immediately operated with all its effect, and that no legislative authority can repeal that except the same power which had passed the British North America Act, because it would in effect be amending and curtailing powers which had the effect of imperial legislation.

Hon. Mr. LOUGHEED—Why was not this suggested by the Railway Committee ?

Hon. Mr. KERR—It was suggested, but it was overlooked, and so the notice of motion to amend was given when it was found that no action had been taken upon it.

Hon. Mr. SCOTT—I see in the margin of the Bill, that it has been under the Ontario legislature in all these years—1894, 1895, 1896, 1900 and 1904. If it was under the Railway Act by virtue of the statute of 1888, it is very curious that they should be still invoking the Ontario power ?

Hon. Mr. KERR—Those are extensions of the power.

Hon. Mr. SCOTT—Up to the present time, it has been under the Ontario legislation.

Hon. Mr. KERR—No ; they have assumed the contrary. Justice Street determined it had by virtue of that statute been from the time of construction of the railway a work for the general advantage of Canada. That is the view that was taken, and there seems to have been no question raised about it at that time. The words incorporated in this amendment were suggested in the committee, and it was supposed by those present that they had been adopted ; but when they saw that they had been omitted, it was proposed that they be added at the third reading of the Bill.

Hon. Mr. SCOTT—Has the hon. gentleman observed that they have been discussing it in the provincial legislature and contending that it is ultra vires of this parliament, and that they intend to meet such cases by taxation ?

Hon. Mr. SULLIVAN—Is the hon. gentleman aware that the Premier of Ontario has protested strongly against this and another Bill—protested against the Dominion interfering with provincial rights, and has announced his intention of seeing further about it ? In view of the fact, I think it would be well to suspend the passage of the Bill.

Hon. Mr. KERR—Although the representative of the Ontario government was present, it was stated that they were not objecting, so this cannot be the particular Bill that was referred to. Of course, if there is any serious objection to the passage of the Bill, I would ask to have the third reading stand over.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend to refer this Bill back to the Railway Committee, where its application can be discussed more intelligently than here. We are undertaking to confirm all the legislation of the provincial legislature without having the statutes before us relating to them, or any information whatever by which we can determine its applicability. I have no particular object in view except to point out to my hon. friend the extraordinary rights asked for by this company, namely, to enjoy all the advantages of the provincial legislation and at the same time obtain all the advantages we can give them. There must be some conflict between the provincial and Dominion laws respecting these railways, and there cannot possibly be harmony between those two ; yet it seems to me we are asked to confirm all the provincial rights which the

company has heretofore enjoyed. I think if it went before the Railway Committee the matter could be very properly discussed there, and, if it is found desirable that it should be done, I have no objection to the amendment.

Hon. Mr. KERR—If the hon. gentleman thinks it necessary, I would ask permission to withdraw the motion and let the order stand over till Monday, when, in all probability, Senator Gibson will be here. I would consent at once to what has been suggested if the Bill were not a Senate Bill, and the delay involved would have the effect of throwing it over until another session.

The order was discharged and placed on the Orders of the Day for Monday next.

## RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (3) an Act in amendment of the Railway Act, 1903.

(In the Committee.)

Hon. Mr. POWER—It may be remembered that when the Bill was in committee before, it was suggested that it needed to be in a certain sense recast, not that its meaning had to be altered, but that it needed to be recast on account of the consolidation of the statutes, and the hon. gentleman in charge of the Bill has asked me to move two or three amendments. The first line reads section 159 of the Railway Act of 1903. In the revised statutes the reference is section 196 of the Railway Act.' I therefore, move to substitute 196 for 159, and strike out 1903.

The amendment was agreed to.

Hon. Mr. YOUNG from the committee reported the Bill with amendments.

## CIVIL SERVICE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (BBB) An Act to amend the Civil Service Act.

(In the Committee.)

On clause 4,

4. There are hereby inserted in the said Act, immediately after section 18 thereof, the following sections :

18a. It shall be necessary to pass the higher grade examination in order to qualify for appointment as a junior second class clerk.

18b. It shall be necesasry to pass the railway mail clerks' examination in order to qualify for appointment as a railway mail clerk.

Hon. Mr. SCOTT—The Postmaster General says he cannot obtain employees, if they have to pass a qualifying examination, and the department is making its own examination, laying down a series of questions to be answered. A mere technical knowledge of geography, arithmetic, or history has no bearing whatever on the duty of railway mail clerks.

Hon. Sir MACKENZIE BOWELL—I think I am safe in saying that there are hundreds, if not thousands who have passed the civil service examination, and are ready to take the positions. Perhaps they may not be of the right colour.

Hon. Mr. SCOTT—Probably they would not accept the salary.

The clause was adopted.

On clause 6,

6. Paragraph (a) of section 20 of the said Act is hereby repealed and the following is substituted therefor :

(a) that at the time appointed for such examination he will, if an applicant for the preliminary examination, be of the full age of fifteen years, if an applicant for the qualifying or railway mail clerks' examination be of the full age of sixteen years ; and, if an applicant for the higher grade examination, be of the full age of eighteen years.

Hon. Mr. POWER—These are very small ages.

Hon. Mr. SCOTT—They grow up in the service.

Hon. Mr. POWER—It seems to me that is a proposition which would not commend itself to the judgment of the average man.

Hon. Mr. SULLIVAN—The position of mail clerk is a very important one. It seems to me that the age of applicants is too young altogether, unless it is intended to keep them on probation a long time.

Hon. Mr. LOUGHEED—That is simply for examination.

Hon. Mr. SCOTT—No matter at what age candidates are admitted for examination, they are not eligible for an appointment until they have reached the age of 18 years.

Hon. Mr. POWER—That is all right.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—With the exception of one clause, this measure applies almost exclusively to railway service, does it not ?

Hon. Mr. SCOTT—Not altogether. It was largely at the instance of the Railway Department that the Bill was drafted.

Hon. Sir MACKENZIE BOWELL—There are only one or two clauses that refer to any other department. In discussing some years ago the manner in which the Civil Service Act had been administered of late, or rather not administered, I suggested the propriety of the government repealing the whole Civil Service Act. Judging from the manner in which it has been applied of late years, it is of very little use. In a discussion the other day the question was asked the government whether a certain gentleman had been appointed an excise officer, I think in New Brunswick, and the answer was 'yes.' The question was, did he pass a preliminary or qualifying examination ? And the answer to that was: 'We have no record in the department of any examination having been passed, or that he was qualified,' and there the discussion ended. If excise officers, who require technical knowledge of the work they have to perform, can be appointed without any examination whatever, it seems to me superfluous to have a statute upon the books providing for an examination of the minor officers. I daresay the hon. gentleman from St. John (Hon. Mr. Ellis) may know the case to which I refer, or possibly he may have overlooked the discussion in which the facts were brought out ; and if the hon. gentleman from Wellington (Hon. Mr. McMullen) will only cast his eye over the supplementary estimates, I am inclined to think he would not be able to sleep to-night, because I have heard him denounce so often, and in such vigorous tones, the language that is used in the supplementary estimates in reference to increases in salaries to very small amounts and to very large amounts, 'notwithstanding anything in the Civil Service Act to the contrary.' On one occasion I pointed out that there were sixty or seventy cases of promotion and increases of salary, in one session, in the estimates which were laid before parliament, covered by the words 'notwithstanding anything in the Civil Service Act to the contrary.' If my hon. friend will only look at the main estimates and the supplementaries brought down, particularly this last one, he will find this phrase repeated over and over again. I understand what his answer is—you did the same thing. All I can say to him is, that it was never carried out to the extent to which it is carried at the present time. There are cases, I frankly admit, where it is advisable to promote a clerk who has superior ability and qualifications not possessed by others, that you should adopt this system of promotion, but it is carried in these estimates, and under the practice that prevails now, to the extent of from $10 in one instance, to one case here of $75,000. The Civil Service Act and civil service reform are absolutely a farce as administered to-day.

Hon. Sir RICHARD CARTWRIGHT—Gentlemen of the opposition ought to do their work better in the House of Commons.

Hon. Mr. SCOTT—It is a most unsatisfactory Act and full of inconsistencies. From time to time this government, and perhaps their predecessors, may have had the idea of making a change and referring the matter to a commission. I do hope that before another session we shall have the whole subject referred to a commission who will draw up an Act that parliament will observe and be bound by and not have 'Notwithstanding anything in the Civil Service Act to the contrary' repeated in the legislation of every session.

Hon. Mr. FERGUSON—I think the government ought to perform their own duty in the matter and not refer it to a royal commission.

Hon. Mr. McMULLEN—In reply to the hon. senator from Belleville, I sat in opposition in the House of Commons for fourteen years and endeavoured to discharge my duty faithfully during that time. I found fault with everything which, in my opinion, should be found fault with.

Hon. Mr. FERGUSON—And everything else.

Hon. Mr. McMULLEN—After discharging that duty for fourteen years, I am entitled now to some little rest. If I were to persist in fault finding, there is plenty of room.

Hon. Sir MACKENZIE BOWELL—I did not find fault; simply called attention to the matter.

Hon. Mr. McMULLEN—I condemned the civil service for many years, owing to the fact that it was not based on a more independent and durable basis. I am delighted to hear now from the hon. Secretary of State that he hopes to introduce a Bill that will deal with the whole question of the Civil Service. It is full time. In the United States even the President, under their Civil Service Act, has not the power to remove a common letter carrier. All civil servants are placed in an independent position and are not liable to be thrown out or interfered with in the discharge of their duty. If they do not render good, faithful, efficient service they are liable to be removed, but not otherwise. In England, the civil service are on a similar basis. They can only be interfered with or removed for cause. I have been informed that such an Act has been in force in England for many years, and I should like to see similar legislation here. The government of which my hon. friend from Belleville was a member, appointed two commissioners to examine and report upon the civil service. The last commission reported by Bill, which they recommended parliament to pass. It never was acted upon, so that the report of the commission remained a dead letter and a large amount of money was spent for which the country got no return. I should like to see our Civil Service Act recast and put in such a shape that men in the employ of the country shall render efficient service for the money they receive. Speaking from what I gathered in my examination in years past there are dozens of men on the list of the civil service in Canada who are not rendering more than ten cents worth of value to the country for every dollar they draw. That should not be the case. We should have the service recast completely, so that officials would render to the country some reasonable service for the salaries they draw. I only rose to reply to the hon. gentleman from Belleville when he referred to me. I hold the same views now that I held when in oposition to his government. I believe the whole system should be recast, and the civil service put on a better and more independent basis.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendment.

Hon. Mr. SCOTT moved the suspension of the thirty-fourth rule.

Hon. Mr. McMULLEN—A petition has been presented to the House regarding the civil service. I would prefer that petition should be considered before the Bill is passed.

The third reading was postponed until Monday.

## THE YUKON ACT AMENDMENT BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (109) An Act to amend the Yukon Act.

Hon. Sir MACKENZIE BOWELL—What is the character of the Bill ?

Hon. Mr. SCOTT—It is to enable the government to appoint an acting governor. No commissioner has been appointed since Mr. McInnes left.

Hon. Mr. LOUGHEED—Can my hon. friend say when Mr. Smith is to be appointed commissioner ?

Hon. Mr. SCOTT—I cannot. I have heard several names mentioned.

Hon. Sir MACKENZIE BOWELL—Perhaps I might give the hon. gentleman some information. This appointment will be made immediately after the prorogation of parliament.

Hon. Mr. SCOTT—I have not heard so.

Hon. Sir MACKENZIE BOWELL—I have so heard.

Hon. Mr. LOUGHEED—I will accept that answer to my question.

The Bill was read the first time.

## IMMIGRATION ACT AMENDMENT BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (143), An Act to amend the Immigration Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill should be placed on the orders for second reading on Tuesday next. He said : This is a definition of a stowaway, and provides that an immigrant becoming a public charge or a criminal within two years after his arrival may be deported.

The motion was agreed to.

### BILL INTRODUCED.

Bill (134) An Act respecting duties of customs.—(Hon. Mr. Scott.)

The Senate adjourned until Monday at Three p.m.

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# SENATE.

OTTAWA, Monday, April 8, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## DIVERSION OF THE WATERS OF THE RIVER ALLAGASH.

### INQUIRY.

Hon. Mr. COSTIGAN rose to :

Call the attention of the government to the fact that the waters of the River Allagash, a tributary of the River St. John, have been and are being diverted from their natural course and will inquire what action, if any, has been taken, or if any action is to be taken by the government.

He said : I wish to state a few facts which I desire to bring before the notice of the government, as well as of the people of Canada. The people that are affected most directly by the diversion of the Allagash river are those of New Brunswick generally, a portion of the people of the state of Maine, the province of Quebec, and I think the whole of Canada, because I believe that the diversion of the waters in this case is altogether contrary to international law, quite independent of the treaty which was passed in 1842. An attempt was made to divert these waters in 1841, before the passing of the Washington treaty. In 1841, a gentleman carrying on a lumber business in the state of Maine, interested on the Penobscot river, applied to the legislature of the state of Maine for a charter to authorize him to cut a canal between a small lake on the head waters of the east branch of the Penobscot river which was within a short distance of another lake, forming one of the group of the different lakes being the source of the Allagash river, a tributary of the St. John, in order to get water from those lakes into the Penobscot river, where it was getting scarce, as is the case with many of our rivers now at the head waters. The legislature refused to grant the charter at that time, for the reason, I understand, that it would be contrary to all international law to divert the waters of any stream from its natural course. The applicants, however, went on and cut the canal without any legislative authority at all, connecting those two waters in such a way as to divert the flow that should go down the St. John river, into the Penobscot.

Hon. Mr. SCOTT—Would the hon. gentleman be kind enough to explain where the river rises and flows ?

Hon. Mr. COSTIGAN—That branch is entirely in the state of Maine, but it flows into the St. John river. It is a portion of the St. John river water, but the portion affected is within the state of Maine, of course. In 1841, before the passage of the treaty, application was made to the state of Maine, as I have already stated, for authority to construct this canal. The state legislature refused, yet, notwithstanding that refusal, the canal was constructed. It was found then that more water was required than would come by the change of levels through this canal, and in order to get more water the same parties applied for the right to construct dams on the Allagash river below the large lakes—Lake Chambelain, Lake Churchill, Eagle lake, or Heron lake and five or six smaller lakes tributary to that river, all waters naturally flowing to the St. John and forming a considerable portion of the waters of that river. They applied for permission to construct dams below those lakes so as to raise the levels and send a larger volume of water down the Penobscot, to that extent decreasing the

flow of water down the Allagash river. The people of Maine are interested in this way : while this tributary is all within the state of Maine the timber lands are held by private individuals in most of that country. The holders of the timber lands on the Allagash river are United States citizens and they find that they cannot get their lumber down the Allagash river because the water has been diverted to flow down the Penobscot. After the canal was constructed, the legislature of Maine did grant Acts of incorporation to different companies, and one of these Acts legalized the canal that was constructed, and gave the company power to build such dams as might be necessary to enlarge the flow of water through the canal. In 1903 further application was made by the same company to raise the dams still further below the lakes so as to increase the flow down the Penobscot river. A prominent gentleman in the state of Maine went before the legislative committee to whom this question was referred, and, on his statement of the facts which I am now submitting to the House, the legislature refused to grant any further authority in the matter, and it so remains. It has given rise to a great deal of trouble. The two first companies that came in conflict were United States companies. So bitter was the conflict that they armed their men and it was only by accident that a very serious riot was averted. Both companies sent hundreds of men to the scene of the dispute armed to the teeth, and if a conflict had taken place it would have been attended with very serious loss of life. That has been repeated since then. At one time, one of the lumber companies blew up the dam with dynamite. It was immediately rebuilt by the other company who still hold the fort and the water. What I should like the government to understand is this : That the diversion of those waters was an act of great injustice not only to the people of New Brunswick and Quebec, but to some of the people of the state of Maine, and they have good reason to complain that the United States has allowed one of its state legislatures to grant power to a company to divert a very considerable portion of the water of the River St. John from its natural course, to the great detriment of all the lumbering industries in that section of the country. It is for that reason I wish to call the attention of the government to the fact, not because I did not suppose the facts had not been brought to their notice before, but because I do not think that the circumstances are well known to the Canadian people. Very little has been known about this legislation, and the extent of the diversion of water from the St. John. Even in my own province it has not been understood. About 1903 I, on behalf of some of my constituents and people interested in lumbering, applied for a charter here, and our syndicate applied for a charter to the legislature of Maine, for the purpose of building a dam and a sorting boom at a place called the Winding Ledges on the River St. John, where the river forms the boundary between the two countries. To show how little was understood about it at the time, in 1903 when the Maine legislature was dealing with the other Act to which I have referred, to increase the powers of the United States company to dam the Allagash river, that Act was interpreted by a portion of the New Brunswick press as the Act of myself and associates applying for the right to construct a dam at Winding Ledges. I mention that fact just to show how little the real situation was understood at that time.

Hon. Mr. SCOTT—The attention of the government has not been called to this particular case. The attention of the government has been called, however, to the obstructions placed on the River St. John by United States lumbermen, and I may say that very little attention has been paid to it by the government of the United States. About a year ago, after the formation of the international commission, a proposition was sent to the government at Washington that they should allow the commission to take up the St. John river case, because it was an international question, affecting the diversion of waters. However, as showing the extraordinary influence of the individual senators at Washington, the government declined unless they got the consent of the state of Maine to do it. The state of Maine, of course, was supporting the United States lumbermen. The senator from Maine had to be consulted, and nothing was done notwithstanding repeated

remonstrances, for nearly a year. Finally, I believe, they have consented to place the question of the obstructions in the St. John river, where it forms a dividing line between the two countries, under the sovereignty of the international commission. About two years ago some parties came to see me from the northern part of the state of Minnesota. They called the attention of the government of Canada to the fact that a river flowing north through the state of Minnesota and emptying into the Lake of the Woods was being diverted by a powerful company in the state of Minnesota, backed up of course by state powers. The people complaining were those who lived in the vicinity of the river, and who, of course, objected very strenuously to the diversion of a river flowing north into Canadian territory, so that its outlet would be diverted to the south, in the neighbourhood of Duluth. Representations were made to the government at Washington in reference to that matter, and, I presume, it took at least a year or a year and a half before the Washington authorities could be induced to place so flagrant an instance as that under the control of the international commission. I mention those instances to show how extremely difficult it is to move the United States government to take action in international matters. The waters that flow north into the international boundary should not, under international law, be diverted south and the whole character of the river altogether changed. This particular stream referred to by my hon. friend, which is tributary to the St. John river, is one similar, exactly, to the case in Minnesota. The Minnesota case has been placed under the control of the international boundary commission. I shall be glad to be furnished with a copy of the hon. gentleman's observations, to have them transmitted to the international boundary commission, and ascertain whether they will not make proper recommendation to have the flow of the Allagash river also submitted to the international commission.

## REPORT OF GEORGIAN BAY EXPLORATION COMMISSION.

### INQUIRY.

**Hon. Mr. BERNIER** rose to call :

The attention of the government to the urgency of laying before parliament at the earliest moment the report of the commission appointed by the government to make an exploration of the route of the proposed Georgian Bay Canal ; and to inquire whether parliament may soon expect such report, and if so, when ?

He said : In making the inquiry I have put on the order paper I have no intention of claiming the attention of the House for any length of time. It would, perhaps, be hardly fair at the present stage of the session to raise any debate on this important question. Yet, I hope that the House will allow me to say just a few words. Some fears are daily expressed that the trade of the west will be diverted from Canadian channels to the benefit of the transportation companies south of the international boundary. I may assure you, gentlemen, that the west is as Canadian in sentiment as any other part of the country. But in matters of trade, the western man is also as keen as anybody else. Whilst desiring to direct his trade through Canadian territory, yet when he sees his grain accumulating at the railway stations without any possibility or expectation of being shipped in the near future, he naturally looks around for better transportation facilities. It is practically the second year from the time he has commenced to till his soil that he can reap the final results of his work. Surely no one can find fault with our farmers if they try to dispose of their produce and improve their situation. If we desire to keep our trade within our own borders, Canada must come to the rescue of our farming community, as well as to the trade of the country generally. The railways, unassisted by canals will not be in a position to come to their relief. There are railways now being improved ; there are others being constructed or in contemplation. But at the present rate of development of traffic, those railways, when completed, will not be able to carry out the increased amount of products combined with the ordinary trade. New outlets will be required—are now required. A few days ago members of this House read to this Senate official documents by which we were apprised of the congested condition of traffic now existing throughout the west. In presence of such a condition, the construction of the Georgian bay canal seems to be an absolute necessity. That project has been talked of for long years back. The country seems to have been

afraid of undertaking so great a work. But the time has now come when nothing should be allowed to interfere with its realization. The demands of trade are urgent. The development of our agricultural industries and the prosperity of our commerce require such an undertaking. And it seems to me that it should be a government work, inasmuch as it would be a great military strategic route. It seems to me quite evident that the country should at once take proper measures for the constructing of the long desired waterway. The government have lately had an exploratory survey of the proposed canal by expert engineers and a report on the project has been prepared. Now, let us have that report at an early date, so that parliament may be in possession of the most recent data and be prepared to consider any proposition having in view the actual construction of the canal. Next session, I intend to urge that construction, and will content myself this year with making the inquiry that I have placed on the order paper.

Hon. Mr. SCOTT—I am very glad indeed that the hon. gentleman is a convert to the Georgian bay canal proposition.

Hon. Mr. BERNIER—I always have been.

Hon. Mr. SCOTT—I only hope he will influence all the members from the Northwest in favour of it also. When the matter was discussed in this Chamber a few years ago, it had not very many friends behind it. That is some fifty years ago. At that time I was an advocate of it. We did make a beginning. The Chats canal was a part of the Georgian bay system. The contractor found the rock so hard that ordinary black powder had no effect upon it. It was before dynamite was invented, and the contractor had to throw up the contract and so it has remained ever since. If any hon. gentleman will take a run up to the Chats rapids he will see there the beginning of the Georgian bay canal system. The contract was given to Mr. A. P. McDonald, who afterwards became member for the county of Middlesex, when parliament was sitting in Toronto. He produced samples of the stone to show the impossibility of making any further progress with the work, and begged to have the contract taken off his hands, and to be paid for work he had done up to that time. About ten years ago, a company of English capitalists was formed. They secured from the parliament of Canada a charter with very large powers. They made some preliminary surveys, not to any great extent, but did nothing actually. Two years ago the government appointed a body of engineers to go over the whole route from the mouth of the French river down to the city of Montreal and make a full report upon the difficulties that had to be overcome, and the stretches of the river that required only to be dredged, and upon various other points that required considerable expenditure. I do not know that that report has been completed. If it has been completed, it has not been brought to the notice of the government. The engineers are giving the finishing touches to it now. I may say that the views of the engineers who have been examining the route favour a very much greater depth than my hon. friend indicated. Some 20 or 22 feet I believe was the depth proposed. The vessels which navigate the upper lakes generally draw from 20 to 22 feet, and if they are to navigate the Georgian bay canal it will require to be 22 feet, unless we make it simply a barge canal, which would not be of so much value. When the report has been finally completed, it will be laid before parliament, and we will all have an opportunity of seeing what will be required to construct that great work.

Hon. Mr. BERNIER—Judging from observations of the hon. minister the report would seem to be far distant.

Hon. Mr. SCOTT—The report is being finished now.

Hon. Mr. BERNIER—When may we expect it?

Hon. Mr. SCOTT—Not this session of parliament.

Hon. Mr. BERNIER—During the recess, perhaps?

Hon. Mr. SCOTT—Oh, I think so.

## CONGESTION OF TRAFFIC IN THE NORTHWEST.

Hon. Mr. TALBOT—Before the Orders of the Day are called, I should like to call the attention of the House and particularly the Secretary of State, to an article that appeared in the Winnipeg 'Tribune' of Thursday last, which reads as follows :—

For three days now there has not been a through train to Edmonton over the main line of the Canadian Northern Railway and as a result of this both in Winnipeg and Dauphin, Man., many hundreds of settlers just coming into the country,—a large portion of them being Americans—are delayed and put to considerable expense. It is said that at Dauphin there are fully 1,000 people waiting to get through and that five horses have died at this point through exposure.

In Winnipeg the immigrants are becoming impatient and many of them are to be seen in the vicinity of the depot making anxious inquiries with regard to the prospects of getting out of town.

The station platform is piled with baggage and the Canadian Northern Express Company and post office department are becoming congested with freight and mail.

The delay is caused it is said by severe snow storms that have been sweeping over the prairies west of Humboldt, in Saskatchewan.

It is quite possible that that report is greatly exaggerated, as many of the reports which reached here last winter were ; but it is again possible that there is considerable truth in it, and if there are one thousand immigrants at the town of Dauphin, they are certainly suffering. I desire, therefore, to call the attention of the Secretary of State to this question and would suggest that the Minister of the Interior be required to ascertain if there is any suffering among the immigrants at that point.

Hon. Mr. SCOTT—It is rather unfortunate that the rush to Canada has commenced at so early a period. With our climate and liability to snowstorm up to the end of March and beginning of April it is very regrettable that people should come so early, because it is quite impossible where three, four or five thousand people rush into any section of that new country all at once that they can be taken care of properly as one would like to see them, and protected from the weather. I suppose the trains are blocked at the present time by snowstorms. I feel that the report is exaggerated very much, but I shall be pleased to call the attention of the Minister of the Interior to the conditions, and suggest that he should notify his agents by wire to minimize the inconvenience and suffering, if there is any, of these people who have come in. That is the best that can be done.

## CIVIL SERVICE INSURANCE.

### RETURN.

Hon. Mr. SCOTT—I beg to lay on the table the return asked for by the hon. gentleman from Marshfield in regard to regulations made by the Governor in Council under section 14, chapter 13 of the Act, intituled 'The Civil Service Act.'

The department states that it would be a breach of confidence to give the names. Otherwise the information asked for has been furnished. That is the policies issued from 1893 down to the present time, and the premiums. In regard to question No. 5, there are no records in the office from which the information asked for could be obtained. Number 5 question was the total amount of the excess of the deduction from the salaries of the policy-holders on account of superannuation, &c. All the available data that could be furnished has been brought down.

Hon. Mr. FERGUSON—I have not the slightest curiosity to know the names, but I think that as they are government officers there could be no objections. However, I have not the slightest desire to see them.

Hon. Mr. SCOTT—The head of the insurance branch sent me a letter for Mr. Fielding in which he pointed out that the names had never been given. That information is confidential, and would not avail anything except the gratification of curiosity. The numbers are there and the losses by death and all the other information.

## CHANGES IN THE CABINET.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to ask the hon. Secretary of State if he could take us into his confidence and tell us something about the numerous changes which took place lately in the cabinet. I hear we are now without a Minister of Militia. He has left the country, and there is a new acting Minister of Militia in the Senate. Is that the only reform that the government is

going to bring to the Senate—to bring to us a Minister of Militia ? The hon. Secretary of State should acquaint this House with the changes. We are told that the inspector general has gone also. Is that true? Has Lord Aylmer departed for his military duties ? Who has succeeded Lord Aylmer ? Is it Col. Vidal ? If so, who will replace Col. Vidal ? Could the hon. minister furnish us with the reasons why Lord Aylmer has been placed on the retired list ? Those are momentous questions.

Hon. Mr. CASGRAIN—Better give notice.

Hon. Mr. LANDRY—No, I think the minister should answer immediately.

Hon. Mr. SCOTT—With regard to the Minister of Militia, there is no change. He has gone on a temporary visit to England, and it is not usual to make any announcement in parliament in connection with the visit of a cabinet minister who may be away only for a few weeks or a month.

Hon. Mr. LANDRY—Is he coming back ?

Hon. Mr. SCOTT—Yes, he is coming back. With reference to Lord Aylmer, I may say that at the time he was appointed to the recent position which he so well filled, he was advised that the period was limited to a term of two years, to expire in December, 1906. He would then have reached the limit in age, which is 65. He himself was a consenting party, and even went so far as to endorse the recommendation to council, that he approved of the action of the minister limiting the term to two years. It had gone a few months over the two years. Col. Vidal is named by the minister to succeed Lord Aylmer. That is as far as things have gone at the present moment.

Hon. Mr. LANDRY—Has Col. Vidal not passed the age limit ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. CASGRAIN—No he has not.

Hon. Mr. LANDRY—Where does the hon. gentleman from de Lanaudière get his information ?

Hon. Mr. CASGRAIN—The papers of Montreal give his age as being 64 years. He has one year more to run.

Hon. Mr. LANDRY—I am not asking the hon. gentleman. He does not know a word about it. I am asking the Minister of Militia ?

Hon. Mr. SCOTT—I have given my hon. friend all the information I possess. I am advised by the deputy minister, who certainly ought to know, that Col. Vidal has not reached the age limit.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not yet informed us who is the acting Minister of Militia. That was one of the questions asked by the hon. gentleman from Stadacona. I have seen it stated in the newspapers that the hon. Secretary of State is the acting Minister of Militia, and it was intimated that he was to visit all the camps next year. I hope that we may see him on horseback galloping about inspecting the ranks. Apart from that, the statement of the hon. Secretary of State differs entirely from the statement made in the 'Globe', which I suppose got its information from the government, in reference to Lord Aylmer's retirement. The statement in that journal was that he was removed without his consent, and, more than that, without knowing it at the time. I have seen also a statement made by the Minister of Militia at Halifax to an interviewer, that he had intimated some time ago to Lord Aylmer that he was to be retired when he reached the age of 65, but that he was to keep it secret until the time arrived. Of course I am only repeating what I have read in the newspapers. It is well known that Lord Aylmer is healthy, rugged and vigorous, notwithstanding he has reached the age of 65.

Hon. Mr. LANDRY—He will be 65 next September.

Hon. Sir MACKENZIE BOWELL—I should like to know if my hon. friend, the Secretary of State, is acting Minister of Militia ? And, if he is, whether it is correct that Lord Aylmer's successor has been named ? We all know that Lord Aylmer is not only an efficient officer, but has had a great deal of experience and was promoted, not on account of his politics—because he was appointed by the late government—but because of his efficiency. It is said that Colonel Vidal is only one year

younger than Lord Aylmer ; that he is an invalid, and that if he receives the appointment the probabilities are he will not be in a position, through physical disability, to attend to the duties pertaining to the office and that his promotion is simply for the purpose of giving him an opportunity a year or a year and a half hence to retire on a pension larger than he would receive if he retired holding his present position. I have seen it stated in the press that the retiring allowance of Lord Aylmer will be $4,200. If Colonel Vidal is promoted to the same position, will he not be enabled to retire, in a short time, on an equally large retiring allowance ? My hon. friend shakes his head. If I am in error on that point, it is well that the public should know. I regret very much that any regulation exists making it compulsory for any officer of militia to retire at the age of 65.

Hon. Mr. LANDRY—At the age of 63.

Hon. Sir MACKENZIE BOWELL—That is still worse, when the officer is in good health, phyiscally and mentally. We know very well, looking around this Chamber and among our acquaintances in social and political life, that men of 65, and many men of 75, are as capable and even better qualified to perform their duties than they were at the age of 40 or 50, from their enlarged experience. If such a regulation does exist, my strong conviction is that it should be repealed. If current reports are true, Lord Aylmer, who is an efficient officer and in vigorous health, is to be retired in order that a gentleman, however well qualified he may be so far as military knowledge is concerned, who is an invalid and not likely to be in a condition to perform the duties long, may take his place. I say that is an outrage upon the militia and certainly an improper exercise of the power vested in the Minister of Militia.

Hon. Mr. POWER—I wish to correct one impression which has gone abroad, which is, if Colonel Vidal were promoted, within a few months he would be able to retire on an allowance of $4,200. Lord Aylmer has served the full term of 35 years, and, consequently, retires with thirty-five-fiftieths of his pay on leaving the force. His pay was $6,000 and his retiring allowance therefore is $4,200. Colonel Vidal has been in the service 24 years, and if he retired within a few months, his retiring allowance would be $2,800.

Hon. Sir MACKENZIE BOWELL—Will that be based on the salary which he is now receiving ?

Hon. Mr. POWER—On the salary of $6,000.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman did not let me complete my question. What I wanted to know is this : would the allowance the hon. gentleman mentions be based on the salary that Col. Vidal is now receiving, or on the salary he would receive if promoted to the position now occupied by Lord Aylmer ?

Hon. Mr. POWER—I understood the hon. gentleman question even before he put it. I say if Col. Vidal is retired from the position of inspector general, in which position his salary is $6,000 a year, his retiring allowance will be about $2,800.

Hon. Mr. FERGUSON—I may say that the little streak of inquisitiveness on the part of the hon. gentlemen from Strathcona and Belleville, has not succeeded in iliciting the most vital information called for at this moment with regard to the ministerial changes which have recently taken place. It is a consolation, no doubt, to this honourable House to find that the old adage is coming true, that where there is a great loss there is often a little gain, and this House appears to be the gainer in the shuffles which have recently taken place ; for we have in the Senate the acting Premier of Canada, and the hon. gentleman opposite (Hon. Mr. Scott) is acting Minister of Militia in addition to the onerous and important duties he has all along held as leader of the House and Secretary of State. It does seem anomalous, however, that we should have the acting Premier following the lead of one of his subordinates, the Secretary of State. It is an instance of Jack being as good as his master, or even a little better. However, speaking of big loss and little gain, there have been changes which I suppose out of politeness we are bound to consider

as losses. First is the visit of the Premier to England. We can only regard that as a very desirable thing indeed. He is on his way to the performance of high and important public duty, and the Minister of Militia accompanies him. We have nothing to say so far as these two changes are concerned, but talking of the big losses the government has evidently sustained quite a loss recently in the resignation of the Minister of Railways, and it is singular that the questions which have been asked with regard to the changes in the ministry have not led to any explanation from the ministerial benches of that resignation which has filled so important a place in the public mind and public discussions during a week or more. Talking of losses, there is another minister who is either lost, stolen or strayed—the Minister of Public Works and it is due to this House that we should know not only why the Minister of Railways has resigned, and whether it is intended shortly to fill that place, but also know the whereabouts of the Minister of Public Works, who has been missing from Canada since early in November last. I am very much surprised that these proper questions, addressed to the ministerial benches, have elicited no explanations with regard to the two important departments now vacant, one by the resignation of the Minister of Railways and the other by the disappearance—I think that is about as correct a word as I can use—of the Minister of Public Works. It is due to this House that we should have some explanation with regard to these matters.

Hon. Mr. CASGRAIN—This discussion is entirely out of order, no notice having been given by the hon. member from Stadacona, and I raise the point of order.

The SPEAKER—The hon. member from Marshfield is within his right in asking for an explanation of the changes in the ministry.

Hon. Sir RICHARD CARTWRIGHT—The hon. member from Marshfield is quite within his right in making the request we have heard. As regards Mr. Emmerson, the late Minister of Railways, if the hon. gentleman will look at 'Hansard' he will find the reasons which actuated Mr. Emmerson fully given in a letter addressed by him to the Premier and read to the House of Commons. Personally I may say that I very much regret that Mr. Emmerson should have seen fit to tender his resignation, and I have no doubt that at the proper time, and in the proper way, Mr. Emmerson will show that the charges which have been made against him are unfounded. I believe they have already been contradicted by the parties who are in the best position to know about them. I think it recounts to Mr. Emmerson's credit that, under the circumstances, he should have felt it was better to meet those charges as a private member than in any way or shape to embarrass the Premier who was just on the eve of departing for England on a very important mission, as the hon. gentleman has said. With regard to the Minister of Public Works, it has been repeatedly explained in the House of Commons by the Premier that that gentleman has, unfortunately, been in a state of very poor health for several months past and that for a long period he has been debarred, by the order of his medical advisor, from paying any attention whatever to public or private business. He was desirous, as everybody knows, of resigning his seat, and it was only after a formal reference to the committee specially charged with these matters in the other House that it was decided that the resignation which he had sent in was not valid, and that, therefore, he still remained a member of the House of Commons and a minister of the cabinet. My hon. friend, the Secretary of State, reminds me that the Committee upon Privileges and Elections in the other House, to whom this matter was referred, unanimously decided that the resignation could not be accepted. I have not the slightest doubt that as soon as Mr. Hyman's health permits, he will implement that resignation, and when he does it will be time enough to consider what action should be taken.

Hon. Mr. FERGUSON—Since Mr. Hyman has this burning desire to resign, and is incapable of carrying out his earnest and urgent intentions, would it not be well for the Right Hon. Acting Premier to try to find out his whereabouts and give him such valuable assistance as he and one of his colleagues can furnish, and between them

suggest a means which would enable him to resign ?

Hon. Sir RICHARD CARTWRIGHT—We have nothing to do with the other House, and it would be looked upon as ultra vires on our part if we undertook such a thing ; but I will see that the views of my hon. friend, who is a man of long experience in public life, are conveyed to the representatives of Mr. Hyman at the earliest date.

Hon. Mr. LANDRY—I will read from the King's regulations, paragraph 26, which deals with the superannuation of militia officers. It provides that colonels who attain the age of 63 will, unless in very exceptional circumstances, be placed on the retired list, and no officers above the ages mentioned for the respective ranks are to be promoted to such ranks. Now these officers like the thoroughbreds, have a fixed date for determining ages, and the date provided in the King's regulations is September 1 in each year. The age will be calculated from the 1st September. Colonel Vidal, by the militia list, appears to have been born on the 16th of May, 1843. Make that the 1st of September, 1843, and he was last September 63 years old and is therefore beyond the age. Colonel Alymer was born on the 28th March, 1844, and he was therefore 64 on the 1st of September last.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State has not informed us yet who is acting Minister of Militia ? I am desirous of knowing whether the hon. gentleman is acting in that capacity ?

Hon. Mr. SCOTT—After Sir Frederick Borden left, the deputy minister came over to consult me about some matters. I said, 'Why do you consult me ? and he replied, 'The minister said you are to act.' I said 'I heard nothing at all about it, it is news to me.' I had not perhaps taken as much interest in the Militia Department, in recent years as I formerly did, and, therefore, it was perfectly unexpected that the duties were to be delegated to me ; but my colleagues having ascertained Sir Frederick Borden's wish, named me by order in council at a subsequent date.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman is the warrior ?

## DELAYED SALARIES.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to ask the hon. leader of the House who is now acting Minister of Militia, if he is aware that the salaries of the department over which he presides, which were due on the 31st of March, are not yet paid ?

Hon. Mr. SCOTT—I mentioned to the House a day or two ago, when I brought up the Supply Bill, that it was important that we should pass it. Mr. Fielding wanted it passed at once because it is only a partial estimate. It takes one-fifth, together with some general items that have already been passed. I hope we will have that Bill passed to-morrow or at all events by Wednesday, and then the money will be forthcoming.

Hon. Mr. LANDRY—But, as I understand, the Supply Bill to be taken up to-morrow is for the year ending the 31st of March, 1908. I am speaking of moneys due that will come in a supplementary Supply Bill.

Hon. Mr. SCOTT—I will make an inquiry about it. The supplementaries ending the 31st March have not been passed yet in the House of Commons.

Hon. Mr. LANDRY—Can nothing be done about it ?

Hon. Mr. SCOTT—I will see if some arrangement cannot be made.

Hon. Mr. LANDRY—Can nothing be done to pay those employees ?

Hon. Mr. SCOTT—I shall be very glad if some arrangement can be made.

## THIRD READING.

Bill (91) An Act respecting the St. Maurice Valley Railway Company.—(Hon. Mr. Legris.)

## GRAND TRUNK RAILWAY COMPANY BILL.

### THIRD READING.

Hon. Mr. GIBSON moved the third reading of Bill (82) An Act respecting the Grand Trunk Railway Company of Canada.

Hon. Mr. FERGUSON—As hon. gentlemen will observe, I have placed a notice on the order paper of an amendment to the Bill now before us, which I intend to submit. I am glad to find that my right hon. friend the Minister of Trade and Commerce, as well as my hon. friend the leader of the House, are in their places, because the question involved in the amendment that I am about to propose is one of great public importance, and one upon which the government have apparently a declared policy. It is altogether in line with the policy that the government has adopted in reference to this very question that I intend to address my remarks. The Bill, as hon. gentlemen will observe, deals with a pension fund that it authorizes the Grand Trunk Railway Company to institute, and the question deals with the power of the company to deal with their employees so that the employees will contract themselves out of their right for damages against the company if they sustain injury or death in consequence of the culpability or negligence of the company. I think I am right in laying down this proposition in common law, that if a railway company or other common carriers undertake to carry passengers, employ men and if the men engaged in the service of the company or passengers carried by the company are injured, the company is liable to damages if the accident is due to the culpability or negligence of the company. That proposition is so plain that it cannot be disputed. That principle of common law is sometimes abrogated, sometimes varied, and sometimes made subject to restrictions by statute law. In 1874 the Grand Trunk Railway Company got authority from the parliament of Canada to establish what they call a superannuation and provident fund. It provided as follows :

11. A fund, to be called 'The Grand Trunk Railway of Canada Superannuation and Provident Fund,' shall be established for the payment of superannuation allowances to the officers and servants of the company, or such of them as shall become and continue contributing members of the fund, or for the payment of allowances to such officers and servants in case of sickness, or to their widows or children or other representatives in case of their death.

12. The fund shall be formed, invested, managed and distributed in accordance with the rules and regulations contained in a scheme to be prepared by the company, and sealed with their common seal within six months after the passing of this Act, until altered in accordance with the powers which for that purpose may be inserted in and contained in such rules and regulations, and afterwards in accordance with the rules and regulations that shall be for the time being in force under the provisions of the said scheme.

13. The company shall contribute annually to the said fund such sum as shall be provided by the said rules and regulations for the time being in force, being not less than one-half of more than three-halves of the amount contributed during the year by the officers and servants of the company in accordance with such rules and regulations. All sums so contributed by the company for this purpose shall be considered as and form part of the 'working expenses' of the said company, as defined by the Arrangements Act, and shall for all purposes of priority of payment be considered as a payment of wages due to the servants of the company.

14. The said fund shall be vested in and belong to the committee for the time being, having the management of the said fund under the provision of this Act, and or the said rules and regulations for the time being in force as aforesaid ; and such committee may sue and be sued in the name of their secretary, and shall invest, manage and distribute the same in accordance with the provisions of this Act and the said rules and regulations.

This was the Act of 1874, under which the Grand Trunk Railway Company first got authority to establish a superannuation and provident fund.

In 1878 the company got further power from parliament to establish what is called a provision for insurance against accidents. It provides as follows :

2. It shall be lawful for the Grand Trunk Railway Company of Canada to make either separately or in connection with the superannuation and provident fund, authorized to be created by the Grand Trunk Consolidated Debenture Stock Act, 1874, provisions for insurance against accident to its employees, which may include insurance against death, the payment of allowances during any period when they may be unable from accident or sickness to follow their ordinary calling, and the providing of suitable medical or surgical attendance.

3. The company shall contribute to such funds annually any amount not exceeding one hundred and fifty per cent of the amount which may be subscribed annually to such fund by the members thereof, and the amount so subscribed by the company shall be considered as and forming part of the 'working expenses' of the said company as defined in the Grand Trunk Arrangements Act, 1862, and shall, for

all purposes of priority of payment, be considered as a payment of wages due to the servants of the company.

4. The povisions of the Act hereinbefore firstly cited establishing the superannuation and provident fund shall, as regards the scheme and the management thereof, apply to the insurance fund by this Act created, whether the same be organized in connection with the said superannuation and provident fund or separately.

I merely remark that as far as I have been able to ascertain—and I have the report of cases decided in court as my authority—that no insurance plan was ever put in force in conformity with this law of 1878. There was and there is an insurance scheme, but it is on the assessment plan, and calls are made on the death of any member from all the members for the purpose of making up the loss, and that the Grand Trunk Railway Company has never contributed anything to any insurance scheme. I mention that in order that there may be no misconception as to what has been done. But I wish to direct the attention of hon. gentlemen to this fact, that the Grand Trunk Company were given power in the Act of 1874, and again in the Act of 1878, to make rules and regulations for the government of these funds, and these rules and regulations, having the authority of parliament in their making, become the law of the land. One of these rules, No. 5, provides that all the servants of the company should be connected with this fund. They made rule 19, which provides that they shall make by-laws for the carrying out of some of the rules, and they made rule 15 which I will read to the House as being the vital one upon which so much controversy has turned, in Canada, during the last few years :

In consideration of the subscription of the Grand Trunk Railway Company to the society, no member thereof or his representatives shall have any claim against the company for compensation on account of injury or death from accident.

Now I say without hesitation that that is a provision which would never be made by any parliament in the British dominions with their eyes open; but they gave the Grand Trunk Railway Company power to make rules and regulations, and in the exercise of that power they made rules and regulations which, under the Acts of 1874 and 1875, have all the power and effect of law. It was done years before the employees knew there was any such regulations in existence. Deaths occurred and claims were made, and then it was found that this rule was in existence, and that it legally barred the claims of the families of the men who had been killed in the service of the railway. A great deal of indignation was expressed among the employees of the Grand Trunk Railway Company in Canada, who number about 25,000 men, and who altogether include a population of about 100,000 people. The press took up the matter about seven or eight years ago, when some cases were in court, and the result was that when the Railway Act came before parliament, three years ago, Mr. Guthrie, of South Wellington, a Liberal member supporting the present government, introduced an amendment to the Railway Act, the object of which was to render illegal and invalid this regulation or any other regulation of similar import and effect made by the Grand Trunk Railway or any other railway company. As soon as the amendment was proposed, it was admitted by the then Minister of Railways, the late Mr. Blair, to be a good one, and one that deserved to be made law, but he took the ground that it was not within the jurisdiction of the Dominion parliament ; that it being a matter which pertained to civil rights, it could only be dealt with by the provincial legislature. He was supported in that view by Mr. Fitzpatrick. Both were eminent lawyers and the result of their opinion was that the amendment was dropped. The next year, in 1904, Mr. Lennox, the member for South Simcoe, introduced a Bill similar in its object and language to the amendment that Mr. Guthrie had presented the previous year. He had been the champion in the courts and elsewhere of the servants of the Grand Trunk Railway in this matter, and had acquired a great deal of information with regard to it and he introduced a Bill in the House of Commons such as I have described. When the Bill reached the second reading, Mr. Fitzpatrick, the Minister of Justice, expressed the same opinion that he had given the previous year. Mr. Lennox addressed a very lenghty, and what proved to be a very able argument, to the House sustaining his opinion that it was within the power of the parliament of Can-

ada to pass the Bill. At the conclusion of that argument, Mr. Fitzpatrick, who had the reputation of being not only a good lawyer, but of being an eminently fair man and disposed to give due importance and consideration to a good proposition no matter from whom it came, said he had listened with great attention to the speech of the hon. member for Simcoe; that he still entertained the opinion that he had before expressed, but the arguments of Mr. Lennox seemed very strong and he would not like to adhere too strenuously to the view he had expressed. He suggested that the debate should be adjourned a couple of days until he had time to consider the question, and it was arranged that the Bill would not lose its place on the order paper. Two days afterwards, the debate was resumed and Mr. Fitzpatrick said he had looked into the matter with a great deal of care and had not changed his mind, but he did not claim to know all that could be known on the question. He said that his hon. friend had made a very strong argument, and was very strongly of the opinion that the power did rest with this parliament to pass the Bill he, therefore, suggested that the Bill should be sent to the Railway Committee, where all could work to make it as stringent as possible, and he suggested that a clause should be attached to the Bill providing that it should not go into operation until it has been submitted to the Supreme Court. Then if the Bill was found to be intra vires it would go into force on proclamation of the Governor in Council. The Bill was accordingly sent to the Supreme Court, and the contention of Mr. Lennox was proved to be correct; the Act was sustained and, as the acting Premier knows, the law went into operation, on the 1st of April of the present year. It was thought that that had settled the question, but, unfortunately, in the extreme desire that was felt by both Mr. Fitzpatrick and Mr. Lennox to make the Bill of such a character as would ensure its being found constitutional if possible by the Supreme Court these words were introduced: 'Notwithstanding anything in any Act heretofore passed by Parliament,' of which I shall speak hereafter. The Bill was made a government measure and put through both Houses under the prestige of the government, and it provided that no such regulation as that which I have described could be held to bar the claim of any employee of any road in Canada having a charter from the government from prosecuting his claim against the railway company in consequence of injuries received or in the case of death resulting through negligence or neglect of any officer or employee of the company. In their extreme desire to make the Act constitutional, they inserted the provision to which I have already referred, that it should only apply to Acts heretofore passed. It is now a matter of grave doubt whether a strict construction of that law would make it applicable to a pension fund that is created under an Act passed, say this year, after that Act became law. That is a matter of grave doubt, and it appears that the Grand Trunk Railway which has in its employ some of the very ablest lawyers in Canada, have come to the conclusion that they have a chance of re-enacting the old regulations which has been declared invalid as far as their former Acts were concerned, and they have now come before parliament with a Bill creating another pension fund. It is not necessary for me to quote the exact words of it, because it is familiar, I have no doubt, to most hon. gentlemen in the House. It provides that the Grand Trunk Railway may establish a pension fund. It makes no reference to their superannuation and provident fund of the past, but that they may now establish a pension fund, and that they may make regulations not inconsistent with law, for the management of the fund; and it provides further that all the powers vested in the company in the past, and now vested in the company, shall remain, and that the powers under this Act should not be considered as divesting the company of the powers they possess under the Acts of 1874 and 1878 as far as they are consistent with law. There is a grave doubt, and I think more than a grave doubt—about that Act of 1904, and I think I must read that Act in full, in order that there may be no misconception of what it contains. It is as follows:

1. Notwithstanding anything in any Act heretofore passed by parliament, no railway

company within the jurisdiction or legislative power or control of parliament shall be relieved from liability for damages for personal injury to any workman, employee or servant of such company, nor shall any action or suit by such workman, employee or servant, or, in the event of his death, by his personal representatives, against the company, be barred or defeated by reason of any notice, condition or declaration made or issued by the company, or made or issued by any insurance or provident society or association of railway employees formed, or purporting to be formed, under such Act ; or by reason of any rules or by-laws of the company, or rules or by-laws of the society or association; or by reason of the privity of interest or relation established between the company and the society or association, or the contribution or payment of moneys of the company to the funds of the society or association; or by reason of any benefit, compensation or indemnity which the workman, employee or servant, or his personal representatives, may become entitled to or obtain from such society or association or by membership therein ; or by reason of any express or implied acknowledgement, acquittance or release obtained by the company or the society or association prior to the happening of the wrong or injury complained of, or the damage accruing, to the purport or effect of relieving or releasing the company from liability for damages for personal injuries as aforesaid.

The Grand Trunk Railway Company, for some good reason of its own, having a law on the statute-book which has enabled them for 33 years to conduct a superannuation fund, come to parliament and ask this House for authority to have a pension fund. The difference between a superannuation fund and a pension fund is the difference between Tweedledum and Tweedledee, and the question arises, why do they, having all this ample machinery in their power, come to parliament and ask for power to organize the pension fund ? The belief to-day is firmly established in the minds of the workmen, who now know what is going on in the minds of their own counsel, and in the minds of many members of the House of Commons, that the Grand Trunk Company are taking this step in order to avoid the Act of 1904, and in order to get back to their old ground, by which they will be enabled to make a rule, such as they had before to defeat a claim of their workmen if they should, as no doubt many of them become disabled from injury received by accident, or from death, and be relieved of the responsibility. I think this is something the parliament of Canada should not tolerate, as I submit to the Minister of Trade and Commerce, representing the government in this House, that we have all a responsibility in this matter, but that the government have a good deal more responsibility than we individual members have, because they are responsible for all legislation that passes through parliament, and I wish to warn my hon. friends that if this Bill is allowed to go through in the form in which it is now attempted to be put through ; if I am now pointing out, that the Grand Trunk Railway will be able under that law to defeat the Act of this parliament in 1904, prove to be correct, and if this government permits that to be done, the responsibility will lie at their door. My hon. friend, is a very old parliamentarian, and shows great assuidity and courtesy in his treatment of measures coming to this House and in responding to anything that is worth considering that comes from this side of the Chamber. When I spoke of the policy of the government, I was then referring to the Act of 1904, which, though introduced by a private member, was finally, at one of its stages, taken charge of by the government, and put through as a government measure. It then became the policy of the government to prevent any such rule or regulation as that being made law, and thus defeat the ends of justice and injure the poor people working in the Grand Trunk Railway. The government confirmed that policy, and continued to work under that policy, and they put an Act on the statute-book, assented to only a few days ago, in this House, called the Pension Fund Act of the Intercolonial Railway, and I wish to call my hon. friend's attention to some of the provisions of the Act. Up to the present time there has been no pension fund in operation in connection with any railway in Canada, except the Grand Trunk, for the simple reason that our other railway enterprises are comparitively new ones, and the employees have not got old on their hands. The Grand Trunk was compelled many years ago to make a provision for its old and faithful servants. The government of Canada is this year compelled to make some provision for their servants on the Intercolonial Railway and the Prince Edward Island Railway, and to put the Bill through parliament this session. The Canadian Pacific Railway, a younger institution, will

be compelled before many years to do the same thing, and all the railway companies of Canada will ultimately have to follow suit; but at the present time the Grand Trunk Railway has stood alone in this matter. The Intercolonial Railway joins them now. The Act that was passed this year, and which is now the law of Canada, taking effect on the first of the present month, provides that there should be a pension fund established in connection with the Intercolonial Railway. It provides that contributions by the government of Canada should not exceed a certain amount, which with all contributions from the employees to the fund shall be managed by a board, the chairman of which shall be the general manager and two other officials of the road, and two representatives of working men on the railway. This board of five have power to make regulations, and they have a government control of that fund. The power given to them is not exactly worded the same; it is practically the same as that which was given in the Acts of 1874 to the Grand Trunk Railway, but the government took great care in this Bill to put in a proviso which would not allow them to be tempted into doing what the Grand Trunk Railway did and which I think they are attempting to do again. The closing section of the Act of which I am speaking reads in this way:

> Nothing in this Act, and no action taken, thing done, or payment made by virtue hereof shall relieve His Majesty from liability in the event of damage arising from the negligence omission or neglect of any officer, employee or servant of the minister.

Am I not right in saying that this was the policy of the government in 1904, when, to their infinite credit, they took up a Bill that was introduced by a member of the opposition, and finding it was meritorious, made it the law of the land, and they have shown by their legislation of this session that they will still continue to act on the same policy, and let this principle apply to the road that is under their own management. I have heard it asked, 'Why apply this rule to the Grand Trunk Railway? Make it a general provision.' It happens, as I have said, up to this moment, and at the present time, and probably for many years to come there will be no railway having a pension fund, and its object could only arise in connection with the establishment—

Hon. Mr. POWER—Excuse me. The Canadian Pacific Railway have a pension fund.

Hon. Mr. FERGUSON—My informant is Mr. Chrysler, of the Grand Trunk Railway, who should know about it; but any way if the Canadian Pacific Railway have such a fund and they have the power to make similar regulations—

Hon. Mr. CLORAN—I have never heard of it.

Hon. Mr. FERGUSON—Mr. Chrysler, who would probably know a great deal more about the Grand Trunk Railway than the Canadian Pacific Railway, told me he thought the Grand Trunk Railway was the only company to the present that had such a pension fund, except the Intercolonial Railway; but I am delighted, if it is correct, to know that the Canadian Pacific Railway has such a fund, and if that is the case the law of 1904 bars them anyway unless they come to parliament and try in an underhand manner, as the Grand Trunk Railway is trying to do, to get a new Act to enable them to continue to do what they were prohibited from doing under the legislation of 1904. If the Canadian Pacific Railway has a pension fund, and it was established before the 1st of April, they are fairly under the Act of 1904. The only question that arises is as to the Grand Trunk Railway and the strong conviction formed in the minds of their employees and of eminent lawyers studying the question and working in their interests, is that the effect of this new Act with regard to the pension fund will enable them to evade the provisions of the Act of 1904. At a critical stage in the former discussion my attention was called to a provision of the Bill of the Grand Trunk Railway, which the gentleman who called my attention to the matter appeared to think was of great importance as bearing upon this question. It will be found in section 5 of the Act, which reads as follows:

> 5. The company may, for the purposes of making provision for the payment of allowances to employees after leaving the service, establish a fund to be known as 'Grand Trunk

Pension Fund,' and may from time to time contribute thereto out of the gross earnings of the company such amounts as the directors determine.

And it was gravely and seriously said that there could be no harm in this, because it was said the employees could not be effected until after they left the service of the company. The suggestion was so crude and devoid of reasonableness that I think it will be scarcely necessary to reply to it at all, because the Grand Trunk Railway, under the Act of 1874, had power to pass a by-law that every one of their employees should come into the fund. They will have the same powers under this Act to make such a provision, and although they certainly could not get a pension until they retired from the service, yet they might be killed while in the service, and their families would get nothing. They would be debarred from having a claim, because if the father had not been killed by the Grand Trunk Railway Company, he might get a pension some other time. The suggestion was so averse to common sense that I would not have referred to it if I had not found that one or two gentlemen, in a little discussion I had with them before entering the House, seemed to attach importance to this question. Whatever importance might attach to the question of contribution by the company to an insurance fund, which would result in a payment to the family of the man that was killed, whatever reasonableness there would be in such an insurance fund, forming the ground for making this regulation, there can be none in the case of a pension fund, because by the time the man lived to earn the pension there would be no danger of his being killed or injured in the service. It is during the years he is in the service, and when he is not deriving any benefit, and living in the hope of getting a pension after he is retired, he may be killed and this cruel and un-British regulation is made to stand right in his face and says: No, your family will not get a cent because he had a hope, a promise, held out to him during his lifetime that if he was not killed he would get a pension sometime during that lifetime. Another statement has been made, and industriously circulated amongst the members of the House, that the Grand Trunk in establishing the fund intended to depart from the principle which guided them in contributing to former funds. One of the differences was that with regard to this fund they were to contribute all the fund and not to call upon the employees to contribute any. I was anxious to know where this piece of information came from. The gentleman that represented the Grand Trunk before the committee did not make that statement, although some member made it in his hearing and he did not contradict it. I looked through the Bill and found no such provision, or any provision that will bear such an interpretation. The clause reads as follows:

They may establish a fund to be known as the Grand Trunk Pension Fund and may from time to time contribute thereto out of the gross earnings of the company such amounts as the directors determine.

It might be ten per cent; it might be a hundred per cent; it might be the old limit, which they must not exceed, 150 per cent. of the contributions of the man. But there is no sum fixed, and from that fact we are left to conclude that it is not likely to be any greater than the old limit anyway. At all events, there is nothing in the Act to support the contention that the Grand Trunk was to contribute all, but even if the Grand Trunk contributed every cent of it, and they made that pension a thousand dollars a year to the men, they had no right to turn around and say to the men, 'If you are killed in our service before you can earn that pension, your wife and little ones will be thrown upon the cold mercy of the world, and will have no claim on us for a single dollar. The thousand dollars or ten thousand dollars will remain in our coffers. We will get the benefit of it and your wife and children will get nothing.' No matter how large the amount may be, it does not make the slightest bit of difference; but the statement was spread among the members of this Senate that they were to contribute all, and because they contributed all, therefore they had the right to make this un-British regulation which would deprive the widow and orphan of their just rights, if the bread-winner had been killed through the culpability of this company. We were told that the law is all right as it is; we were told by the legal representative of

the company, that a decision had been rendered in England about year ago, which had gone against the Grand Trunk Railway, a case known as Millar vs. the Grand Trunk Railway. I had seen that case and read it over, and I ventured the statement that the case was decided on clause 1056 of the Civil Code of the province of Quebec. I was contradicted. I was told it was not on that clause. I have that judgment in my hands, and I propose to read from it to prove that I was absolutely right, and that the committee were misled when they were told by Mr. Biggar that the case of Miller vs. Grand Trunk Railway was not decided on the law of the province of Quebec. The point of its being decided on the law of Quebec is this: That while under certain circumstances and certain conditions, such as that of the Miller case, a citizen of the province of Quebec who would happen to be killed in the service of the railway company through the culpability of the company, would have his remedy as Mrs. Miller had, it shows that as far as all the other provinces of Canada they have no law such as that of the province of Quebec are concerned, that employees of the Grand Trunk Railway would have no remedy whatever. The history of the Miller case is as follows: it came before Judge Doherty and a jury in Montreal, and the jury, under the direction of Judge Doherty, found a verdict for Mrs. Miller, with very considerable damages for her and for the children. It went to the court of King's Bench, and that court, under the law of Quebec, upheld the decision of Judge Doherty and the jury. It was then appealed by the company to the Supreme Court of Canada, and the Supreme Court reversed the decision of the courts below, and declared against Mrs. Miller on the ground that clause 1056 of the Civil Code of the province of Quebec was a re-enactment of what is called Lord Campbell's Act in England, which had received interpretation from the courts of Great Britain, and these courts were unfavourable to the contention of Mrs. Miller. In that way the court decided against Mrs. Miller and in favour of the Grand Trunk. It was carried to England and, after six long years in litigation, the Privy Council declared in favour of Mrs. Miller and reversed the decision of the Supreme Court on the ground that section 1056 of the Criminal Code of the province of Quebec was not a reactment of the English Lord Campbell's Act, and that therefore the cases that were decided in England were not applicable to this case; that there was a marked and an important difference between the Act of Quebec and Lord Campbell's Act and in consequence they found that Chief Justice Strong, Judge Taschereau, and the other judges that concurred with them were wrong, and that the Civil Code of Quebec was an independent enactment different from Lord Campbell's Act, and was entitled to an independent interpretation, and was not subject to a decision adverse to Lord Campbell's Act, which had been given in England. I make this explanation because I was so emphatically contradicted by Mr. Biggar when I said it was under the provision of the Quebec Code that the Miller case finally decided and not by virtue of the law of the Dominion of Canada. The contention that was set up elsewhere on this subject was as I have already mentioned that the Act of 1904 is effective, and that independently of that Act the Miller case shows—and that is the contention that was set up—that the employee was safe. I shall now read the judgment of the Privy Council:—

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Dame Mary Miller, es-nom et es-qualité v. The Grand Trunk Railway Company of Canada, from the Supreme Court of Canada; delivered the 14th February, 1906.

Present at the hearing:
Lord MacNaghten.
Lord Davey.
Sir Ford. North.
Sir Arthur Wilson.

(Delivered by Lord Davey.)

The appellant, Mary Miller, was the widow of Richard Ramsden, an employee in the service of the respondent company. On the 10th January, 1900, Ramsden was killed in a collision which took place between two trains on the respondent company's railway. The appellant has brought this action on her own account and as tutrix of Ramsden's minor children against the respondent company for damages occasioned to them by the accident. The action was tried by Mr. Justice Doherty with the assistance of a jury, and by their verdict the jury found (amongst other things) that Ramsden's death was caused by the fault of the respondent company and its employees, and that Ramsden did not by his conduct contribute to bring about the said accident. The jury assessed the damages suffered by the appellant personally at $6,000, and those suffered by the children at $4,000.

The learned judge without entering judgment reserved the case for consideration of the Court of Review. That court gave judgment in favour of the appellant and their judgment was affirmed by the Court of King's Bench, but was subsequently reversed by the Supreme Court from whose judgment the present appeal is brought.

Article 1056 of the Civil Code of Quebec contains the following provision :

In all cases where the person injured by the commission of an offence or a quasi-offence dies in consequence without having obtained indemnity or satisfaction, his consort and his ascendant and descendant relations have a right, but only within a year after his death, to recover from the person who committed the offence or quasi-offence, or his representatives, all damages occasioned by such death.

It has been decided by this board in Robinson V. Canadian Pacific Railway Company (1892 A.C. 481) that the right of action of the widow and relatives under this article is an independent and personal right of action, and not as in the English Act known as Lord Campbell's Act conferred on the representatives of the deceased only. The right of action of the appellant is therefore prima facie clear unless the deceased in his lifetime obtained indemnity or satisfaction for the negligence of the respondent company or its employes. Indemnity he had none, for neither he nor his representatives ever received, or became entitled to receive, anything on that account, but it is said that Ramsden obtained satisfaction and it is sought to show that as follows:

Ramsden was at the time of his death a member of the Grand Trunk Railway Insurance and Provident Society and indeed he was compelled to become a member of the society as a condition of his employment. By a by-law of the society (No. 15) it is provided that 'in consideration of the subscription of the Grand Trunk Railway Company to the society no member thereof or his representatives shall have any claim against the company for compensation on account of injury or death from accident'. It cannot of course be maintained that Ramsden could by any act of his own release or discharge the independent right of action of his widow and children under article 1056, but it is argued that he bartered away any right of action he himself might have had, and had accepted the subscription of the company to the funds of the society in accord and satisfaction of such right of action and thus obtained satisfaction within the meaning of article 1056. To this argument several answers have been made, but before discussing them it will be convenient to consider the constitution of the society and its rules and regulations.

The society was formed by the respondent company under the powers conferred by two Acts of the parliamnt of Canada, 37 Victoria, chapter 65 and 41 Victoria, chapter 25. By the former Act the company was authorized to create a superannuation and provident fund, and by the latter Act (section 2) the company was empowered to make either separately or in connection with the superannuation and provident fund provision for insurance against accidents to its employees which might include insurance against death, the payment of allowance during any period when they might be unable from accident or sickness to follow their ordinary calling, and the providing of suitable medical or surgical attendance, and (section 3) the company was bound to contribute to such fund annually any amount not exceeding one hundred and fifty per cent of the amount which might be subscribed annually to such fund by the members thereof. The rules and regulations of the society, as amended, are, so far as material, to the following effect : The objects of the society are defined to be (3) to provide benefits or allowances to members when rendered incapable of following their usual, or any other suitable, employment in the company's service by illness or bodily injury. (4) To provide, in case of the death of any member, a sum of money contributed by members of the society, and payable in accordance with rules 50 to 62. (12) The affairs of the society are managed by a committee of management and local executive committees. (13) The committee of management is composed partly of members nominated by the board of directors or the local executive committees, and partly of officers of the respondent company. (40 and 41 as amended) Sick allowance is given at the rate of 50 cents per diem for the first six months, and 25 cents per diem for the second six months, and thereafter, until the member is certified to be incurable or unfitted for his usual employment, when all further claims on the sick fund ceases, but the member may continue his subscriptions to the insurance fund, or any member so certified may be permitted to commute his insurance for an immediate payment of one-fiftieth of the total amount insured for each complete year of membership. (50) Insurance is divided into six classes. (57) The amounts of insurance in each class, and the premium rate in each are defined. (58) Upon the death of a member all the other members are to be assessed as many rates of the class in which insured as will in the aggregate produce as nearly as possible the amount for which the deceased member was insured, the balance over or under being carried forward to the next ensuing levy. In rule 66 it is stated that the respondent company will each half-year contribute out of the revenue of the company a sum in aid of the sick benefits and allowances of the society.

It will thus be seen that the provisions for sick allowance and insurance are quite distinct. The respondent company contributes only to the former and does not undertake to contribute to insurance as it was apparently contemplated by the Act that they would do. The sums payable on death or in commutation of insurance are to be raised exclusively by a levy on the other members. The scheme is, in fact, one for mutual life insurance.

The by-law in question (No. 15) which is relied on was made by the committee of management in exercise of a power contained in rule (19) to make such by-laws as may from time to time be found necessary for the management of the affairs of the society. It was contended in the courts below that the by-law was not a due exercise of the power and was invalid. It was also contended that the by-law was invalid on the ground that the provincial law does not permit a person to contract himself out of responsibility for the consequences of his own wrong though he may so relieve himself from responsibility for the acts and defaults of his employees. And a question of some nicety was raised whether the

verdict of the jury had found negligence on the part of the company itself. Both these questions formed part of the grounds of decision by some at least of the learned judges who were in favour of the appellant. Both these points were not discussed at the bar on this appeal, and their lordships are not called upon to express, and do not express or imply, any opinion upon either of them.

Assuming the by-law to be valid, is it, in the circumstances, an answer to the appellant's action? It is not sufficient to say that the possible right of action of the deceased has been extinguished, as was held in the case of Robinson v. Canadian Pacific Railway Company, where it had been lost by prescription. And, as Lord Watson pointed out, the provision as to duelling in article 1056 shows that cases were intended to be comprised in which there could be no right of action in the deceased. Their Lordships see no reason why the release or discharge by the deceased of his possible right of action should be held to be satisfactory within the meaning of article 1056 of itself, or unless the deceased has thereby obtained from the offender something which is a real and tangible indemnity or satisfaction for the offence or quasi-offence in question. In this case Ramsden, of course, was not, and neither his representatives nor his widow nor his children were, entitled in consequence of the offence or quasi-offence of the company to a single dollar out of the sick fund. The insurance cannot be considered to be such indemnity or satisfaction, first because the money payable in respect of it did not (according to the rules) proceed from the offender even in part, and secondly, because the payment is independent of, and bears no relation to the offence or quasi-offence, and would equally have to be made if the deceased had died a natural death. Their lordships are aware that evidence was given that the respondent company does not recognize any division of the society and makes its contribution to the society to be used as it pleases. But this is not in accordance with the scheme contained in the rules, and for the present purpose their lordships can only regard the rules as they stand.

Holding the views which have been expressed, their lordships do not find it necessary for them to discuss the question raised on section 243 of the Dominion Railway Act, 1888.

Their lordships are not sure that in coming to a conclusion in favour of the appellant they are differing from the real opinion of the learned judges in the Supreme Court. Chief Justice Taschereau said in the course of his judgment:

Here, were I unfettered by authority, I would be inclined to doubt if the deceased can be said to have received any indemnity or satisfaction, but I am bound by the authority of the Queen v. Grenier (30 S.C.R., 42) to hold that he has.

And the other learned judges who delivered judgment in favour of the respondent company also held themselves bound by that decision which they thought could only be distinguished if the company was itself in fault and not merely responsible for the fault of its employees. In the Queen v. Grenier the judgment of the court was delivered by Chief Justice Strong. The learned judge held that the action given by article 1056 is merely an embodiment in the civil code of the action which had previously been given by a statute of Canada re-enacting Lord Campbell's Act, and that therefore the English decision on that Act, such as Griffith v. Earl of Dudley were applicable to the case. He is reported to have said:

It must be acknowledged that if the deceased would, if he had survived, have had no claim for damages against the Crown, the suppliant can have none, provided we are right in assuming this to be a proceeding to be governed by the law applicable to actions under Lord Campbell's Act.

The assumption thus made was admitted by learned counsel to be erroneous, and their lordships cannot attach any weight to a decision founded upon it.

Their lordships will therefore humbly advise His Majesty that the judgment of the Supreme Court dated the 10th November, 1903, be reversed and the judgment of the Court of Review, dated the 31st March, 1902, and the judgment of the Court of King's Bench, dated the 20th November, 1902, be restored and that the respondent company do pay to the appellant the costs of its appeal to the Supreme Court. As the appellant is appealing to His Majesty in Council in forma pauperis she will have only such costs of her appeal as are usual in such cases.

As I have pointed out, there are grave doubts at the present moment amongst as good lawyers as those who are in the service of the Grand Trunk Railway Company, and that is saying a great deal, as to whether the Act of 1904 is sufficiently far reaching, on account of its peculiar phraseology, to operate against the pension fund that is created this year. That view is held strongly and honestly. I admit there is a doubt, but I say this, and I submit to hon. gentlemen, if the representatives of the Grand Trunk Railway think that the Act is all right as it is, and only subject to a doubt, why not remove the doubt? It would be better for us to re-enact in bold solemn characters the regulation of the Grand Trunk Railway Company, barring the widow and the orphan in plain emphatic language, than pass a Bill which is clouded with doubt? Who will suffer if we leave the Act in that position? The widow and the orphan will suffer. When they go to an honest lawyer and he tells them there is a doubt whether the Act of 1904 would apply, what would be the effect? In nineteen out of twenty cases the families of the employees would go home disheartened, and would not attempt to prosecute their case. The Grand Trunk Railway Company would keep them in litigation for years, and the poor widow and the poor orphan would be in a pitiless and helpless position to fight their

battle against such a powerful corporation. I ask, hon. gentlemen, are you satisfied to leave the law in a position of doubt? My hon. friends in the government did not think it was right to leave this matter in doubt when they dealt with the Intercolonial Railway. They put a clause in the Bill which removes all doubt. I ask that a similar clause be put in this Bill. If the Grand Trunk Railway Company do not wish to evade the law of 1904, and create a fund that will not be affected by that solemn legislation of this parliament, why should they oppose the passage of an amendment that will say so in clear and emphatic terms, and render litigation almost if not altogether impossible? It can be done. My attention had not been called to the provisions of section 26 of the Intercolonial Railway Act when I put the notice of my amendment on the order paper. I confess, after looking it over, that I would be fairly well satisfied if the Intercolonial Railway provision slightly altered were adopted. However, the amendment that I offer has been prepared by a man who knows more perhaps about this question than any one else, and if it is made law it will admit of very little litigation. On examining very closely the clause of the Intercolonial Railway Act with the aid of a legal gentleman we came to the conclusion that the closing paragraph was a little unfair to the government, and if applied without any change might be equally unfair to the Grand Trunk Railway Company. If this honourable House agrees with me, as I hope and trust they will, that we should close this matter up in such a way that there will be no doubt and we will make a clear enactment of which we will never be ashamed, we might adopt this section slightly changed as I now read it:

But nothing in this Act and no rules, by-law or regulation made, action taken, thing done or payment made by virtue thereof, shall relieve the company from liability in the event of damage arising from the negligence, omission or default of the company, or any of its officers, employees or servants other than and except the negligence, omission or default of the person injured.

The word to which such exception is taken is that it might be possible that a man who would be a claimant against the company under this Bill might have been himself, as an employee of the company, the really culpable party who caused the accident; yet under the wording of the section he would be able to collect damages. Nothing would be more unfair than that. While the family of an employee of the company who is himself without fault and has not contributed by his own negligence and mistakes should be able to recover damages, I have no hesitation in saying that the man who is himself responsible for an accident should not be able to avail himself of the Act under any pretense whatever and mulct the railways, which, through him, sustain great loss. However, that is merely a verbal change, and if the hon. Secretary of State agrees with the view that I have placed before the House it can be easily effected. The matter could have been better presented by a lawyer, but I have grasped the subject as well as I could from a layman's view, and my strong conviction is that we should not fail to deal with the subject now. The House of Commons will be considered free from blame because public attention was not called to this matter when the Bill was before that body, but if we allow the Bill to pass in its present form and the result of it should be to allow the Grand Trunk Railway Company to establish another fund free from the restrictions placed upon them in 1904, depriving the widow and orphan of their rights, a grave responsibility will rest upon this House. I must apologize to hon. gentlemen for having spoken at such great length, but the subject is one of very great importance, I therefore move that the seventh clause of the Bill be amended by adding thereto the following words:—

Provided, however, that the company shall not be relieved from liability for damages for personal injury to any of its workmen, employees or servants, nor shall any action or suit therefor by such workmen, employee or servant, or, in the event of his death by his wife, heirs at law, or personal representatives against the company, be barred or defeated by any rules, by-laws or regulations made or adopted under authority of this Act, or

(2) By reason of any notice, conditions or declaration made or issued by the company as to the terms upon which the said fund or any portion thereof shall become payable, or

(3) By reason of any express or implied acknowledgment, acquittance or release obtained by the company prior to the happening of the wrong or injury complained of or the damage accruing to the purport of effect of re-

leasing or relieving the company from liability for damages for personal injuries as aforesaid, or by reason of the contribution or payment of the moneys of the company to the said fund or of the benefit or payment to which the workman, employee or servant, or his wife, heirs at law or personal representatives may become entitled out of the fund aforesaid.

Also, that the 8th section of the said Bill be amended by striking out the words 'conferred upon' in the second line and inserting the words 'now vested in' in lieu thereof.

Hon. Mr. POWER—I do not propose to discuss the matter in the learned and elaborate manner in which the hon. member from Marshfield has discussed it. He made a speech which contained a great deal of valuable information and gave evidence of great industry and persistence on the hon. gentleman's part; but it is a sort of speech which might better be directed to a different Bill from the one now before the House. What does the Bill say? Clause 5, which deals with this matter, provides:

5. The company may, for the purpose of making provision for the payment of allowances to employees after leaving the service, establish a fund to be known as 'Grand Trunk Pension Fund,' and may from time to time contribute thereto out of the gross earnings of the company such amounts as the directors determine.

There is no provision to be made for—it does not deal with the cases of employees who are killed by accident. The fund does not begin to operate until the employee has left the service of the company.

Hon. Mr. FERGUSON—I cannot think that the hon. gentleman is quite serious.

Hon. Mr. POWER—Quite serious.

Hon. Mr. FERGUSON—He will have to tell us so before we will believe it.

Hon. Mr. POWER—The hon. gentleman has a very forcible way of putting things sometimes; but I am in the hearing of a number of hon. gentlemen whose intellects while not perhaps of the high standard of that of the hon. gentleman from Marshfield, have still a reasonable amount of clearness; and I think that a great many of those hon. gentlemen will agree with me.

Hon. Mr. CASGRAIN—Hear, hear.

Hon. Mr. SULLIVAN—Would not those words 'after leaving the service' apply to those dismissed? Their fate would be adjudicated on before they left the service.

Hon. Mr. POWER—That would probably be governed by the regulations.

Hon. Mr. FERGUSON—As a matter of fact, they would be bound by this when the fund went into effect. That was the case in the old Act—all the employees would be compelled, and the new rules would be the same.

Hon. Mr. POWER—If hon. gentlemen will turn to the original Act of 1874 they will find that the fund which is provided for there was not all to come out of the revenues of the company, but the company was to contribute a portion, and the employees another portion, and surely the company have a right, if they choose to establish a fund with their own money to decide the conditions under which their employees should share in the benefits of that fund.

Hon. Mr. CLORAN—But not illegal conditions.

Hon. Mr. POWER—If hon. gentlemen will look at the phraseology of the Act of 1874, and of this Bill, they will find that from the Act of 1874 it is perfectly clear that the employees have to contribute. It is provided that the company should contribute not less than half, and the employees the remainder. There is nothing in this Bill to indicate that the employers are to contribute anything whatever to this fund; and although the hon. gentleman from Marshfield stated that counsel representing the Grand Trunk Railway Company did not make that statement—although I know it is out of order to refer to what took place before the committee—my recollection of what took place is altogether different from that of the hon. gentleman from Marshfield.

Hon. Mr. CLORAN—How are we going to tell now?

Hon. Mr. POWER—I cannot answer all the conundrums of the hon. gentleman. This amendment is quite unnecessary. This Bill has nothing whatever to do with accidents occurring to employees of the company, and the hon. gentleman's amendment deals solely with that. The Act of 1904 deals with that matter. I will not read the whole section of that Act, but I wish to call the

attention of the House to the fact that there is no reasonable doubt as to its meaning. The hon. genteman predicated his demand for this amendment on the statement that the Act as it stands at present does not cover the ground, or that at any rate there may be serious doubt about it. How does the Act of 1904 begin: 'Notwithstanding anything in any Act heretofore passed by this parliament, no railway company within the jurisdiction, &c., should be relieved from liability by any agreement made with an employee.' That was notwithstanding anything in any Act passed before the 10th of August, 1904. Up to that date the employees were protected. Neither the hon. gentleman nor any one else can show that there has been any legislation since that date which takes away that protection from the employee, and, consequently, the amendment which he proposes is quite unnecessary, even if this Bill did deal with the cases of employees who were killed in the service of the company. Then as to clause 7 of the Bill, which states that the directors may make and adopt all such rules, by-laws and regulations not inconsistent with law, they could not make a regulation inconsistent with the Act of 1904. I think it is an objectionable practice to undertake to tack on to a private Bill, dealing with one particular company, something which if it should be enacted should be a general law. If there is any doubt in the minds of the senators or of the government as to whether this Act of 1904 applies to all those employees, then I think the workmanlike way to legislate is to let the government introduce a Bill to remove any doubt that may exist. I do not think there is any doubt, but if there be a doubt, introduce a Bill as a public measure; but to tack an amendment of this kind in such an unexpected way to a private Bill is a highly objectionable proceeding.

Hon. Mr. BERNIER—How can the hon. gentleman say there is no doubt? He may be of opinion himself that there is no doubt, but a contrary opinion may be held by others.

Hon. Mr. POWER—Humility is a very admirable virtue; but I think one has a right to say 'it is my opinion.'

Hon. Mr. BERNIER—But not to go any further.

Hon. Mr. POWER—I simply stated what was my humble opinion.

Hon. Mr. ROSS (Halifax)—Has the hon. gentleman any knowledge that the government will introduce a Bill to remove the doubt he speaks of?

Hon. Mr. POWER—I am quite willing to support such a Bill if it is introduced.

Hon. Mr. CLORAN—I find on reading this Bill very carefully that it is about as vague a piece of legislation as has come under my notice since I became a member of this House. The first four clauses deal with the material aspects of the company with which this House can have no quarrel. The fifth clause is a most excellent one. It is a model of good-will on the part of a corporation towards its workingmen. They wish to provide that when their employees are worn out in their service there should be a fund to provide for their old age. The object is christian, charitable, and one which should be commended. It is also generous, because the Grand Trunk Railway Company have asked parliament to give them the right to contribute out of the gross earnings of the company such amounts as may be determined. This clause establishing this pension fund, makes no mention of what is going to constitute that fund in its entirety. It simply says that the Grand Trunk Railway Company asks for the right to contribute towards the pension fund. Are we to understand that the men should have no right to contribute to that fund? Why not ask the right to have the labour organizations of that company contribute also? Then we would know that the fund was not altogether one of charity but of generosity and good-will? Clause six provides.

6. Any sums contributed to the said fund by the company shall be considered as, and form part of, the working expenses of the company as defined by the agreement set out in the schedule to the Grand Trunk Act, 1893.

That is also a material aspect of the question which does not affect the principle at stake. Clause seven provides:

7. The directors may make and adopt all such rules, by-laws and regulations not inconsistent with law as they deem proper and

necessary for the due and efficient management, administration and disposition of the said fund.

That is a most dangerous piece of legislation. We are asked to transfer all our powers of legislation and enactment into the hands of a committee outside the domain of parliament and not subject to the jurisdiction of the people. We transfer to the company all the passing of by-laws and regulations which should be at least participated in by all the members of the society—because, if I understand it aright, this pension fund is not going to be solely a contribution from the company, the men I suppose will have to contribute their share. An hon. gentleman says so. Then if the men are not going to contribute, the company has a right to pass by-laws for the administration of the funds. But they had the same right when they established the pension fund under the legislation of 1874 and 1878, and there was no provision then that any one participating in the benefits of that pension fund should waive his rights to compensation for injury or death. I know from practical experience and interviews and communications with the men of that Grand Trunk Railway system that they found it a grievance and a hardship to have to sign a declaration whereby they waived the right of their widows and orphans to claim damages in case of injury or death through the fault of the company.

Hon. Mr. CASGRAIN—The hon. gentleman is a lawyer. Was that waiver any good ?

Hon. Mr. CLORAN—It was good for thirty years, until a widow had courage and money enough to fight the case to the Privy Council.

Hon. Mr. CASGRAIN—Is it good ?

Hon. Mr. CLORAN—The Privy Council judgment is good owing to this clause in the civil code of Quebec, and we tell the rest of the Dominion we have the best code of laws known to the civilized world, and if it were not for that article 1056 no citizen of Quebec would have been able to collect a cent. Has not the Privy Council told us so in its judgment ? Has not the Supreme Court of Canada told us the contrary, notwithstanding the judges of our lower court in Quebec who understand and thoroughly appreciate the law, but once we have the limits of the province of Quebec and put the interpretation of our civil code into the hands of lawyers who never knew what the civil code was, they fail to appreciate the fine distinctions, the relations between the man and the civil right, and the result is that when we come up to the Supreme Court or go outside of the province of Quebec they are very often against the law of our province. But fortunately, at the head, the source of justice in this empire, we have men in the Privy Council who, on more than one occasion, have reversed the decisions of the Supreme Court on questions of provincial law and provincial and civil rights. We have men in the Privy Council who understand what our civil code means, but why put citizens to all that trouble to secure a recognition of their rights? I hold that, as in the past, the company has no right ; it was given to the corporation to draft by-laws for the due and necessary administration of the fund and one of the principal by-laws was that a man could not get any benefit out of that fund unless he signed away his civil rights. I contend that that was ultra vires; but why put it in the hand of any corporation to pass by-laws that are ultra vires? I contend that this parliament has no right to give companies that power. Even if you put it in black and white do it so that there shall be no doubt about it, no veil thrown over it, no craftiness in its construction; do openly and boldly what it does in a cowardly way and say to the company : 'We give to you the power to force the men who have a right to participate in the benefits of that pension fund to sign a declaration containing a provision that their right to damages is waived if death occurs from injury.' If you did that it would be ultra vires and unconstitutional. And why ? You would be wiping out one of the principal clauses of our civil code ; but it would be ultra vires with regard to Quebec. They have no such right in the other provinces. If they have not that right, then your enactment would be good against them ;

but a federal enactment cannot cut out clause 1056 of out Civil Code, and that is why I say, putting this power in the hands of the trustees of that fund, or the directorate, whatever you wish to call them, in this shape, is giving an opportunity to re-enact other old by-laws which have been, as far as Quebec is concerned, cast aside and put down by the Privy Council. Why pass legislation when we know there is a doubt in the clause ? Why not make our laws clear and not require people to go to court for interpretation of what parliament intended to give them ? Why not make the clause so clear that he who runs may read. Why not say in that clause. 'The directors may make and adopt all such by-laws, rules and regulations not inconsistent with civil rights,' then we would understand. The hon. gentleman from Marshfield has furnished a very able interpretation of the situation. I appreciate his line of argument from a legal point of view. I do not know whether he is a lawyer or not ; but his case was clear. I know the feelings of the workingmen of this country, that they do not want that power in an indirect way to be given to any corporation. Why give it to one and not to all ? Why not have in this Bill the same provision as in the Intercolonial Railway Bill, the road over which parliament has the direct control, the clause, 'Notwithstanding any by-laws that may be passed, any man who suffers injury and damage or death through the fault of officers of the road shall be entitled to damage.' Why not put that in plain language ? It is not so here, and I for one to make it clear, am prepared to accept any amendment, either the one proposed by the hon. gentleman from Marshfield or any other, that no company has the right to force a man to sign a document whereby he will waive rights which are granted to him under the natural and civil law. That has been done for thirty years in this country and it should not be tolerated any longer. The hon. gentleman from Halifax says there is no danger. He says there is no doubt in his mind that danger can arise from the passage of this Bill ; that since 1904 we have passed no legislation opening up a road to a condition of things of that kind. We know very well that no such legislation has been passed. But what does the hon. gentleman do with the suggestion offered by the hon. gentleman from Marshfield in regard to the Act of 1904, where it says 'notwithstanding any legislation heretofore passed.' That does not say any legislation that may be passed hereafter, and that is where the courts come in and interpret it. They will say 'why parliament has an object in inserting the word 'heretofore ?' Why not say heretofore or hereafter ?

Hon. Mr. POWER—Does the hon. gentleman mean to say one parliament can tie the hands of another ?

Hon. Mr. CLORAN—It can tie the hands of another on a question of justice all the time. Parliament cannot override the principle of justice. It can do so by brute force, but I hope there is no hon. senator in this House who would like to exercise his brute force to override a principle of justice. Clause 8 reads as follows :

8. Nothing in the preceding sections shall be construed as in any way limiting any powers now vested in the company, but the powers by this Act conferred shall be held to be in addition thereto.

See the force of this clause—nothing in the preceding section shall be construed as in any way limiting any powers now vested in the company ; but the powers by this Act conferred should be held to be in addition thereto. 'So that the power that the company had before they came here still exists, and that is the power to force a man to sign that declaration. It still exists. It does not exist for the province of Quebec, but it is admitted by prominent men that it exists for the remainder of Canada, where that natural right is not recognized. So that this Bill, to my mind, requires a statement of some kind providing that no employee of any company or of this company shall be forced, or shall even be permitted to sign a declaration waiving his right to damages for injury or death, due to negligence of the company, because in doing so he is doing an immoral act and he is taking the bread out of the mouth of his widow and his orphans. He is forcing the country by this Act to keep these people and keep these widows if the employee dies without anything to his credit, so that it is an immoral act from that point of

view. To come back to clause 5, it is said that on leaving the service of the company he shall be entitled to a pension. We know not what the amount is to be, and we know not on what conditions.

Hon. Mr. CASGRAIN—The company are not obliged to give it. They can give it to one and not give it to another if they wish.

Hon. Mr. CLORAN—Then you are introducing a new piece of legislation.

Hon. Mr. CASGRAIN—Not at all. Read the Bill.

Hon. Mr. CLORAN—Does the hon. gentleman mean to say the company will establish a fund and give from it to one and not to another ?

Hon. Mr. CASGRAIN—Most decidedly—that is what I mean to say, and that is just what the hon. gentleman does not understand.

Hon. Mr. CLORAN—I do understand. I understand you have given them a power and it is not destroyed. They have had it for the last thirty years, and this Bill says it shall go on. These powers continue to exist. Under these circumstances, I feel that we owe a duty to the working man who is not here to have his claims set before the people and to have them listened to, not to have legislation all on one side. The workingman is the essential element of the prosperity, progress and development of the country, and we have no right to stand by the side of the corporations and give the corporations rights while we sacrifice the interests of the children and widow of the workingman. I hold that he shall not be permitted to sign any such declaration.

Hon. Mr. CASGRAIN—Just one word. The hon. gentleman from Victoria division has taken great care of the workingmen of the country in this Chamber. He might have observed that this Bill has already passed the House of Commons, where there are several representatives of labour who have not seen all these dangers. The hon. gentleman forgets that this fund is simply a gratuity given by the Grand Trunk Company to those employees to whom it chooses to give it. The workingmen have no legal right whatever in that money. It is money that the company will take out of their gross earnings, and they will give it to such of their employees as they choose to give it to. There is no question about the employees signing off their rights.

Hon. Mr. SULLIVAN—What is the use of the law if they can do that ?

Hon, Mr. CASGRAIN—There is no question of signing away rights, because the workingmen have no legal right in that fund at all. It will be the money of the Grand Trunk Railway. As to the disposition of the fund, that can be disposed of by such by-laws as the directors may think fit to pass, because it is the money of the shareholders of the Grand Trunk Railway, not the money of the employees. Therefore, the hon. gentleman from Victoria would not want this Senate to tell the shareholders of the Grand Trunk Railway how and why and where and when they will spend their money ; if it is their own money surely they will be entitled to spend it as they like. It would be quite different if it were the money of the employees. It would be a different matter if this Bill provided that the employees were going to contribute this money. In that case the hon. gentleman might be right in his argument, but he forgets that this money does not come from the employees. It comes from the company themselves out of the gross earnings. The clause says 'The company may, for the purpose of making the payment of allowances to employees after leaving the service, &c.'

Hon. Mr. CLORAN—It does not say 'Good employees.' It simply says 'employees.'

Hon. Mr. CASGRAIN—At the discretion of the company. I cannot make the hon. gentleman understand that law. This is very plain, and if anybody had heard the discussion in another place it would seem still plainer, that this is simply money of the Grand Trunk Railway to be given as a premium to good employees ; to be given to those to whom they choose to give it, and not to be claimed as a right by any employee. There is the superannuation fund

of the Grand Trunk, which is quite another matter, which has been in existence for many years, and in the Grand Trunk superannuation fund large trust funds are held by the company; but the employees themselves contribute to that, and the employees have a right to claim out of that fund, if they be disabled, or get maimed, or their widows and children have a claim on the fund if employees are killed in the service. But this is a different matter entirely. It seems to me that the hon. gentleman from Marshfield has had a wrong conception of the matter from the very start. Very much like the hon. gentleman from Victoria, he has the idea that the employees of the Grand Trunk Railway have a right to the fund, and it is very likely that if such conditions were imposed upon the creation of the fund it would be a very easy matter for the company not to create the fund if you surround it with difficulty. I think the hon. gentleman from Victoria will admit that the Grand Trunk is at liberty to establish that fund or not. There is nothing to compel them to establish it, and he thinks he has the interests of the working classes at heart, and he would examine this Bill, he would see that perhaps the Grand Trunk would not feel like establishing the fund, and in that case the very object he has in view of protecting the workingman would be destroyed; because, if this provision were attached to it, the Grand Trunk would not establish the fund, and there would be no money for any one. By this Bill the Grand Trunk may and will very probably give a pension to all employees who have been there a number of years, according to the number of years they have served. The good employees will be rewarded, and it will be a splendid thing for the workingman himself.

Hon. Mr. POIRIER—Will the hon. gentleman explain what he understands by a good and bad employee? Here is where I find a weapon in the hands of the company and a means of coercion that I do not relish at all.

Hon. Mr. CASGRAIN—A good employee in the estimation of the railway company; but the workingman has no legal right to this fund. It is simply a bonus, a gratuity arising out of the good-will of the company. Surely we are not going to make rules, and say that the company shall give this money to this one and that one? The shareholders have a right to give this bonus to whom they please.

Hon. Mr. POIRIER—But the power is put in the hands of the company to discriminate amongst its employees as who are the good and who are the bad. It brings me back to past ages where the servant was next to a slave and would only come to prominence by courtesies and by acts of subserviency which are abhorrent to the spirit of the present age. I would rather that they should have no such power than to place in their discretion that which they will no doubt make use of and very likely abuse, and which will work to the moral degradation of the service.

Hon. Mr. CASGRAIN—Would the hon. gentleman make any difference between the good and bad employees?

Hon. Mr. POIRIER—Yes; I would consider a good employee an employee that has kept in my service, and all the employees of the Grand Trunk Railway, if they are retained, are prima facie good employees.

Hon. Mr. KERR—Surely we are getting away from the question altogether. This discussion has taken a long range. I suppose we will all admit that every employer of labour, of whatever kind, can remunerate a man who leaves his services, after he has been there a number of years, can provide against his suffering in old age. He voluntarily sets apart a sum of money which will enable him to do that with one or two or three employees or more as the case may be. He may determine how much he will give to one and how much he will give to another according to the length of service, according to the necessities of the person, or according to his own will. Surely that can be done by any employer of labour. The Grand Trunk could not do that to-day because the money of the company has been devoted to a definite purpose, the operation of the road and the payment of dividends. Therefore, it becomes necessary, if they are to have the same power that any one in this Chamber has; that any merchant in

this city or throughout the country has; that any manufacturer or private individual has, when a man leaves his employ to say to him 'You have been a faithful employee—I will give you an allowance of so much a year, or give you an allowance for five years, or for any length of time, or help you over such and such a term. This is what the fund is intended for. Without this legislation the Grand Trunk Railway could not appropriate funds out of its gross earnings, and this is a mere authorization to create a fund from a portion of its gross earnings, in favour of the faithful employee, in favour of the man who has served the company well, probably for a lifetime or a short time, but still well, in proportion as his merits are, in proportion as the company thinks he is deserving of recognition. Surely the company ought to be allowed to do that. It is necessary in their case that they must do this according to certain lines. Any employer can do with his money as circumstances may render it advisable; but a company must do it by some sort of system, and therefore they should pass this resolution. You or I could make this resolution the moment a man left our employment. You or I could make it in advance, but they have to do it on some equitable line or principle. That is what this Bill is. It differs entirely from the case discussed by the hon. gentleman from Marshfield, which was the case of a superannuation fund in which there were joint contributors. Miller and the Grand Trunk is a case in which the company had contributed to a fund, the employees had contributed to a fund, and two things were provided for; one was for sick allowances during the time a man would be in the employment of the company, and the other was insurance and provision against his death, and benefit to his heirs. In that case this distinction was pointed out; and it happened to be a case in which the company had contributed towards a joint fund providing for sick allowances and insurance. That is not this case at all. The employee has no interest in the fund any more than the employee of any merchant in town has an interest in the profits of his employer. It is a gratuity given by an employer to some one in his employment who has rendered services that deserves recognition. Surely under those circumstances the man might take into account the conditions under which he retires. Is he retiring from the Grand Trunk Railway to go into another Company for a larger salary? Is he going into some other employment where he will make more money for his family? Or is he a man who is disabled, whom age has overtaken, or a man of broken-down health? Has he met with trouble in one way or another, and is he, therefore, entitled to consideration? All these matters have to be taken into account. We are dealing with a fund, a voluntary payment, a sum of money created by voluntary acts, by taking it out of the gross earnings, so that when a case occurs the company can make provision. It does not seem to me these proposed amendments are at all applicable or proper.

Hon. Mr. POIRIER—Will my hon. friend tell me how he would like a superannuation law, if it were enacted, giving the government the power to reward the good servants and abstain from rewarding those they would choose to designate the bad servants? It comes to that. It makes an undesirable distinction.

Hon. Mr. POWER. It is public money.

Hon. Mr. POIRIER. The tendency is to degrade the service of the Grand Trunk Railway, and it would degrade the civil service if such a system were adopted in that service. I say that it is the spirit of favouritism. That spirit that keeps the employee under the sway of the employer in a manner tending to degrade him, something after the tipping system. Why? The Grand Trunk Railway or any big corporation will make invidious distinction among the employees, even among those they have had in their service for a long time. The effect hon. gentlemen will be, that, as in the civil service, employees will find it profitable to crouch at the feet of their employers. There will be sycophanting; there will be acts of eavesdropping, such things as are derogatory and degrading. Let us remember hon. gentlemen that we are here in duty bound to protect not only the salaries of the employees but, as far as we can, what we call their *état d'âme*. We are bound to elevate the class, possibly the most deserving of all classes of citizens in this or any other coun-

try, the labouring class. We are here to protect them materially, mentally and morally ; now in sanctioning such an Act, we are doing them an injury. I would rather have no benefit fund at all than have it created under those circumstances. At all events, let me ask you, is there any one in this House that finds fault with the object that is represented by my hon. friend's amendments here—I do not care for that one particularly, if the government are willing to have general laws enacted so that this company will not be singled out, neither in being harassed with obligations, or on the other hand not allowed to single itself out by being put in a position to harass its employees. In that case I would be willing, if the government were to make such an announcement, to see this amendment withdrawn. Unless the government is prepared to do it, I will insist, as far as I can, on voting upon this for the object it has immediately in view and especially to arouse the government to introduce a general law to the same tenor and effect.

Hon. Mr. ROSS (Halifax)—I always thought that the function of this House was to watch, to guard and to criticise all Bills coming down from the House of Commons, and I am afraid it would not be true if we said that this Bill had been carefully considered in the House of Commons. The other day in the House of Commons they passed a Bill for labelling lobster cans, and some of the supporters of the government who voted for that Bill were lobster-packers themselves, and it was only when the protest came from the province of Nova Scotia that the right hon. Minister of Trade and Commerce corrected that Bill and made it passable and agreeable to the will of the large packers in the province of Nova Scotia. The government should give an assurance that they will introduce a Bill during this session that will guard the interests of the employees of that rich and exacting company, the Grand Trunk Railway—and I have not the greatest confidence in railway corporations, either the Grand Trunk Railway or the Canadian Pacific Railway. They are exacting and want to have the control of everything, and I think the hon. gentleman from Marshfield deserved a great deal of credit for the research he has expended on this measure. Whether, I agree with him on all questions or not, I must give credit for the great ability and industry he has shown in dealing with questions that affect the interests of the Dominion of Canada.

It being six o'clock the Speaker left the Chair.

## After Recess.

Hon. Sir MACKENZIE BOWELL—I have been requested by a number of hon. gentlemen who cannot be present to-night to move the adjournment of the debate. It would be much better to do so as the Senate is now nearly empty and it is better to have a larger House when a measure of such importance, and the proposed amendment, can be thoroughly considered. I may say, without entering into a discussion, that to my mind a great deal of irrelevant argument has been advanced in reference to matters altogether beyond the meaning and intention of the Act. When I have the opportunity of addressing the House again, I shall try and give my view of it whatever my opinion may be worth. We have all a right to form an opinion upon these matters, and it is well that we should discuss the question as we understand it. If I thought for a moment that the effect of passing this measure would be as indicated by the mover of the amendment and those who supported it, it should have my most hearty support also. I shall give my reason, when I speak, why I do not think the amendment at all applicable. I move that the debate be adjourned until to-morrow.

The motion was agreed to.

## CIVIL SERVICE AMENDMENT BILL.

### THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (BBB) An Act to amend the Civil Service Act.

Hon. Mr. McMULLEN—When I was making my statement upon the question of civil service reform, my esteemed friend from Marshfield challenged my statement regarding the permanent and independent character of the civil service of England. I have looked up the Act and find that I was quite correct in the statement that the civil ser-

vice of England are in an independent position. They are the servants of the Crown, and can only be removed from their position for want of efficient service. The Act was passed in 1857 and has been in force ever since with several amendments; so my hon. friend was not at all justified in challenging my statement.

The motion was agreed to, and the Bill was read a third time, and passed.

## SECOND READINGS.

Bill (EEE) An Act for the relief of Arthur Leon McPherson.—(Hon. Mr. Perley.)

Bill (93) An Act to incorporate the Eastern Canada Manufacturers Mutual Fire Insurance Company.—(Hon. Mr. Gibson.)

## SUPPLY BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (141) An Act for granting to His Majesty certain sums of money for the service of the financial year ending the 31st of March, 1908. He said: The financial year, as hon gentlemen know, terminated on March 31. No payments can be made of money appropriated for the present financial year until the advance estimate Bill has been approved. The Bill now before the House provides for $11,706,964 of estimates that have finally passed the House of Commons, and of one-fifth of the balance, which, of course, includes the ordinary running expenses of the government, salaries and things of that kind, amounting to $14.-331,204. The Finance Minister is very anxious that the Bill should go through with as little delay as possible as no payment can be made until it is approved by both Houses of parliament.

Hon. Mr. LANDRY—I observe that this Bill is not yet printed in French, though it is now three or four days since it came up from the House of Commons. I do not object, but I call the attention of the hon. gentleman to the fact that he may know that his order has not been carried out.

Hon. Sir MACKENZIE BOWELL—There is just one item to which I would like to call the attention of the hon. gentleman from Wellington. On one page he will find an item of $50,000, which is paid 'notwithstanding anything in the Civil Service Act.' What is the good of the Civil Service Act?

Hon. Mr. LOUGHEED—Might I ask my hon. friend if he is fully assured that this is one-fifth of the estimates? If so, it indicates an extraordinary budget for the coming year. I notice by this Bill we are voting twenty-six million dollars; that would represent a Supply Bill of over $150,000,000 for the coming year.

Hon. Mr. SCOTT—The hon. gentleman did not catch what I said. I stated that estimates had already passed through the House of Commons amounting to $11,706,964. Of the balance yet to be passed, one-fifth would be $14,331,204 and it is that one-fifth and the $11,176,964 that this Bill is intended to cover.

Hon. Sir MACKENZIE BOWELL—Is this the final estimate for the year?

Hon. Mr. SCOTT—There are supplementaries for the current year that are still to come down.

Hon. Mr. LOUGHEED—It will approach $100,000,000.

Hon. Mr. SCOTT—No, about $81,000,000.

Hon. Mr. LANDRY—How is it that the estimates for the year ending 31st of March last have not been voted before this?

Hon. Mr. SCOTT—They have not yet passed the House of Commons. I know they were before the House of Commons some three weeks ago. I will make inquiry.

The motion was agreed to, and the Bill was read a second time.

## EXCHANGE OF LANDS IN MANITOBA BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (114) an Act to authorize the exchange of certain lands.

He said: This Bill is composed of two paragraphs. It appears that the Winnipeg Electric Railway Company have made an application to the Department of the Interior for two sections known as 11 and 29 in township 14, range 12, east of the principal meridian. Those two lots are school lands. Clause 2 provides that no sale shall be

made to that company until the Minister of the Interior has by notice in the 'Canada Gazette' set apart as school lands other Dominion lands of equal area and value, as nearly as may be, in lieu of the lands mentioned in clause 1. That is the whole Bill.

Hon. Mr. LOUGHEED—Can my hon. friend give any information as to the probable price at which those lands will be sold to the Winnipeg Electric Railway Company ?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—In view of the extraordinarily reasonable figures asked by the government of late in selling large tracts of land, it seems to me this Chamber should have some information on the subject as to how much those lands are to realize.

Hon. Mr. SCOTT—I do not know whether there is a valuation of it, but I shall endeavour to obtain the information before the next stage of the Bill. As my hon. friend knows, whatever may be said of the ordinary Crown lands of the Northwest it must be admitted that for the school lands very handsome prices have been obtained, running from $9 and $10 to $16 and $18 per acre.

Hon. Mr. LOUGHEED—More than that, they have averaged almost $25.

Hon. Mr. SCOTT—The provision in the second clause is that the lands must be of equal value ?

Hon. Mr. LOUGHEED—That would in no way govern the price to be realized by the government. They would have to reserve Dominion lands equally good. That, of course, would not govern the price.

Hon. Mr. SCOTT—I shall endeavour to get the price before the next stage of the Bill.

The motion was agreed to and the Bill was read the second time.

## ELECTRICITY AND FLUID EXPORTATION BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on (Bill 60) An Act to regulate the exportation of electric power and certain liquids and gases.

(In the Committee.)

Hon. Mr. SCOTT—Hon. gentlemen will notice, in the seventh line, that persons who are already exporting are given three months in which to take out a license. It is proposed to enlarge that to six months so that ample notice may be given.

Hon. Mr. LOUGHEED—Have the government taken into consideration the working out of this phase of the law ? Let us assume for a moment that contracts have been entered into by power companies for the exportation of power or gas ; in what way will the government indemnify such companies for any damage they may suffer by reason of, say, an action brought upon a contract or other loss which they may sustain ? It seems to me the government must have given some consideration to that very important question in working out the clauses of this Bill.

Hon. Mr. SCOTT—No details whatever have been worked out. It was rather taken up in accordance with a sentiment that went through all Ontario five or six months ago, the people demanding that they should have cheaper electrical power and protesting against the amount that was then being exported. Practically, until a few weeks ago, no portion of the power generated at Niagara Falls had been transmitted any distance from the Falls. Now, about 30,000 horse-power is being transmitted to Toronto for the purpose of the electric light company and also the street railway company. There was a considerable clamour, and in January last the people were called on to vote under by-laws that were submitted as to the amount of power that they needed. Those by-laws were carried by very large majorities, in Toronto by seven to one, although it is said, and I believe said with truth, that the three Niagara power companies did all they could to defeat those by-laws. They looked upon it as rather an attack on vested interests, although at the time the right was given them to pass through the park at Niagara Falls, the park commissioners stipulated that if power was required in Canada, not more than one-half the power generated should be disposed of in the United States, provided, however, that the price to be obtained in Canada for power was equal to the

price obtained by the companies in the United States. Two of the companies are practically owned by United States capitalists, and naturally they are interested when a limited amount of power was generated to transmit it to the state of New York and this was done with the full approval of parliament. This legislation is in obedience to a sentiment which has grown up recently, that Canada was allowing this important energy to be transmitted to another country and, practically, Ontario was losing the whole benefit of it. The largest volume of water is on the Canadian side and the largest power is generated in Canada. How it will work out I cannot foreshadow. I know that what my hon. friend has intimated is likely to arise, because two of the charters were obtained at Ottawa. One charter was obtained at Toronto ; but practically all the clauses in reference to the export of power are the same in the three —there was no restriction—they were authorized to transmit power to the United States. The only restriction on the transmission was the condition inserted in the agreement made with the park commissioner ; that is, that only one-half of the electrical energy generated should be exported, provided a market was found for the other half in Canada.

Hon. Mr. LOUGHEED—While I am in sympathy with the sentiment mentioned by my hon. friend as to the utilization by Canada of the power generated at Niagara Falls yet I am bound to say that even in view of such a strong assertion of public sentiment as that referred to, the government would not be justified in passing legislation of this kind without making provision for the cancellation of contracts already entered into. While I can appreciate the desire of the government to introduce legislation of this character to meet a popular demand, yet the legislation should have provided for the conditions arising as to any damages which may be claimed against any of these companies for breach of contract arising through the passage of this measure. This Bill is not confined to the exportation of electrical power generated at Niagara Falls, but deals also with natural gas petroleum, and other commodities of that kind. The government, in obedience to a public sentiment, introduce a bald Bill saying that these contracts which the power companies have entered into should not be carried out, and without ascertaining what the damages the companies may be liable for or the amount that should be paid when the law is put into force. This Bill has not been properly worked out.

Hon. Mr. SCOTT—The contingency is not likely to arise, because if hon. gentlemen have followed the legislation at Washington, they know that special provision has been made there that no more than a certain quantity can be imported. I think two of the companies were allowed to import into the United States 60,000 horse-power each. The third company, which is the company owned chiefly in Toronto, were restricted to I think 30,000 horse-power. They made an appeal to the authorities at Ottawa and Washington that they should not be cut down to a lower amount than the other companies, and the United States consented that the electrical company which had headquarters at Toronto should be permitted to export to the United States 45,000 horse-power. The remarks of my hon. friend would not apply to gas or oil. We have been exporting gas for the last twenty-five years, until we exported all that could be found in the county of Essex. There are still gas wells in the county of Welland, and the municipalities there have petitioned the government to stop the export. Practically all our gas production has been used, up to the present time, in the United States.

Hon. Mr. LOUGHEED—Why does my hon. friend say that it does not apply to gas ?

Hon. Mr. SCOTT—I say the argument does not apply, because there is no embarrassment with regard to gas. The consumers have got no rights from Canada.

Hon. Mr. LOUGHEED—It applies to the exportation of natural gas.

Hon. Mr. SCOTT—But the government is not embarrassed by it, because the government has given no sanction to it in the past.

Hon. Mr. LOUGHEED—If the natural gas companies have been exporting to the United States, surely it does not lie with the government to say now that they shall

not continue to do so, particularly if they are doing so under contract?

Hon. Mr. SCOTT—They are not in the same category at all as the electric companies.

Hon. Mr. LOUGHEED—They are under the Bill.

Hon. Mr. SCOTT—They are under the Bill, so far as the regulations which may be enforced, but they are not in the same embarrassing position. Quite irrespective of the provision in the Act giving the companies at Niagara Falls the right to transmit electricity to the United States, it is quite within the power of parliament to put on an export duty, just as the province of Ontario some time ago stopped the export of its logs, although the timber limits had been sold to United States citizens who had paid large sums of money for them. Still, the government decided the logs must be cut in Canada. The same principle applies in this case, but the question is not likely to arise, because the United States itself has placed an impediment in the way that the Canadian companies cannot export to the United States more than one-half of what they would generate.

Hon. Mr. POWER—I think there is a great deal of force in what the leader of the opposition says with respect to the difficulty which may arise hereafter in the form of litigation, and it appears to me that as soon as this Bill has passed the committee it should be allowed to stand, and have a clause prepared which would authorize the Governor in Council to make regulations to meet the difficulty which the leader of the opposition has suggested.

Hon. Mr. SCOTT—Clause 9 authorizes the Governor in Council to make regulations.

Hon. Mr. POWER—There might be a subclause added to clause 9 to provide for this particular case. It is a great deal better to take a little trouble now, and so avoid greater trouble later. The Bill has passed the other House, and there is no danger of its being lost if it waits a day or so.

Hon. Mr. LOUGHEED—The government might consider the propriety of introducing a clause in the Bill to indemnify companies that might suffer damages by reason of enforcing those clauses.

Hon. Mr. SCOTT—No ; the government have positively declined to do anything of the sort. The question has been already considered and discussed, and it was not thought advisable to do so in the public interest.

Hon. Mr. LOUGHEED—If damage should arise? I refer particularly to the case of a contract. Let us assume that a company has entered bona fide into a contract for the exportation of power—to supply a certain volume of power, and under this Bill they are prevented from carrying out their contract. Surely it cannot be said that it would be unreasonable to indemnify the company against the damage which, in a court of law, they would be called upon to pay?

Hon. Mr. SCOTT—The government have considered that fully. The observations I made were really placing the picture in the light it was looked upon by those who take the view of my hon. friend. The government does not take that view. The government has considered the whole question, and has decided that parliament possessed the whole right, irrespective of the leases, to place a duty on the exportation of electric fluid.

Hon. Sir MACKENZIE BOWELL—I dissent in toto from the remark made by my leader as to the principle of the Bill. I am opposed to the exportation of this electric power, in every sense of the word. I see great difficulties that might arise hereafter as the requirements of the industries of Canada may increase. It is true you have the power to annul the licenses permitting the companies to export ; but just as soon as the present surplus power generated at the Falls is required by the industries of this country you will have to destroy the industries operated by this power in the United States. It is very true you may say in reply to that, that is a matter of no consequence to us ; they took the responsibility, but we know the tenacity with which our neighbours across the line adhere to what they consider their rights, whether direct or inferential, and I see a great deal of difficulty which may arise from that.

Instead of imposing an export duty on natural gas, to my mind it should not be exported at all. The government should prohibit the export of natural gas. Cases have arisen where the flow has ceased altogether from the fact of its having been utilized in Detroit and other places on the other side of the line, to the detriment of our own industries and the injury of our own people.

Hon. Mr. ELLIS—I trust that in time, at any rate, broader principles may prevail and perhaps, if the government allow this to stand, the public opinion which is now so, I will not say childish, but so lacking in sane ideas will change. My idea is that anything this country can produce and sell to advantage it ought to sell and that trade should go on entirely independent of those petty local feelings which prevail, particularly in the province of Ontario.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman say he is in favour of exporting whatever we produce ?

Hon. Mr. ELLIS—Whatever a country can produce and sell to advantage.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman in the abstract, providing it does not injure ourselves.

Hon. Mr. CLORAN—When you sell a product of the country, it does not injure you.

On clause 10,

10. The Governor in Council may, by proclamation published in the 'Canada Gazette,' impose export duties, not exceeding ten dollars per annum per horse-power, upon power exported from Canada, or not exceeding ten cents per thousand cubic feet on fluid exported from Canada, and such duties shall be chargeable accordingly after the publication of such proclamation.

2. The Governor in Council may, by proclamation published in like manner, from time to time remove or re-impose such duties or vary the amount thereof.

3. The Governor in Council may, by proclamation published in like manner, exempt from the payment of such duties such persons as comply with the direction of the Governor in Council with regard to the quantity of power or fluid to be supplied by such person for distribution to customers for use in Canada.

Hon. Sir MACKENZIE BOWELL—Why is this made optional with the government ? Why are they given powers to impose a duty ? This is really legislating by order in council. I cannot conceive any reason why the duty should not be imposed by the Bill itself, instead of leaving it optional with the Governor in Council. If it be proper to regulate the export, and that a duty should be levied upon the quantity to be exported, why is it not made imperative instead of being left optional with the Governor in Council ?

Hon. Mr. SCOTT—I will explain to my hon. friend. There is no desire whatever to interfere with a legitimate trade, exporting electricity or gas to the United States, provided they do not export any part for which there is a demand in Canada. It is the surplus over what Canada may require that can be exported to the United States. Where there is a demand in Canada they cannot export. Clause 5 is the one which covers that point.

Hon. Mr. LOUGHEED—That does not cover the question of export duty?

Hon. Mr. SCOTT—They can only export the surplus. Say that in Canada there are 400,000 horse-power generated. There is a demand in Canada for 250,000 horse-power. That would leave 150,000 horse-power to be exported.

Hon. Mr. LOUGHEED—Why is it that the Governor in Council takes the power to levy an export duty, and not parliament?

Hon. Mr. SCOTT—We cannot define what the surplus is. From day to day and week by week and month by month the surplus may change.

Hon. Mr. LOUGHEED—The export duty will not be governed by the quantity.

Hon. Mr. SCOTT—No, but the duty is specified.

Hon. Sir MACKENZIE BOWELL—The amount of duty is specified, but I say that the power to impose it should not be placed in the hands of the Governor in Council, whether it be an export or import duty. The tenth clause does not in any way refer to the surplus quantity that may exist after supplying the Canadian market. It says, 'The Governor in Council may by proclamation impose an export duty,' and it defines what that duty is. The Governor General is tak-

ing power to do that which parliament alone has the power to do.

Hon. Mr. SCOTT—I think the clause carries out exactly the views of my hon. friend, if he will read it. It is only the surplus that goes out of Canada that the duty is charged on.

Hon. Sir MACKENZIE BOWELL—It is on the amount that goes out of Canada, whether it is a surplus or not. The only ground upon which you can possibly base that argument, is that the fifth clause provides that they can only export the surplus. That does not touch the part of the Governor in Council having the power to impose a duty which, under our constitution, is vested solely in parliament.

Hon. Mr. POWER—I am a strong advocate of maintaining to the fullest degree the powers of parliament, but I can see some reasons for making an exception in this case. As I understand, it is not the intention of the government to impose any duty on the export power or gas at present, and as long as the Canadian consumers of power and gas are supplied, no export duty is needed; but when the position changes, and when there is a demand in Canada for the greater part of the power and gas that are produced, then in order to guarantee that Canada will get her fair proportion, the government will have the power to impose a duty which would tend to prevent the export.

Hon. Sir MACKENZIE BOWELL—But would that duty apply to the surplus only?

Hon. Mr. McLAREN—I have been connected with the company which has been exporting gas into Buffalo for sixteen years, connected with the Standard Oil Company, and have a contract to export that gas, and we have permission from the government to place the pipes across the river and take the gas to the other side; but the duty of ten cents per thousand feet is prohibitive. The gas is not worth that at the well.

Hon. Mr. SCOTT—The argument of the hon. gentleman has no force, because the moment the exportation exceeds the surplus, than it is prohibitive, and there is no power in this law to impose an export duty upon the surplus. The moment they have to export it to a certain extent they have no power to go beyond that, and you could not give them that power by imposing a duty.

Hon. Mr. LOUGHEED—I cannot appreciate the point made by my hon. friend from Halifax, for the reason that the license which has to be taken out by the exporter must mention the amount with which he can deal, under clause three and five; consequently when a license is acted upon, then you know at once the quantity to be exported. You cannot exceed the amount which, under the license, is provided. Therefore, he immediately exercises the rights of his license when the export duty comes into play. But it seems to me there is another point worthy of comment under section ten, and that is the extraordinary powers given to the Governor in Council. For instance, under sub-clause two, the Governor in Council may, by proclamation, published from time to time remove or re-impose such duties or vary the amount thereof. That places the companies absolutely in the hands of the Governor in Council, and I need not say that this is a political weapon which may be exercised in the most arbitrary way, a weapon by which the Governor in Council may compel influential companies to give a support to the government which they otherwise would not. It seems to me we are drifting into a kind of bureaucratic form of government, by which parliament from session to session is abrogating the functions which properly pertain to it, namely, of passing legislation with reference to taxes, and handing those powers over to the Governor in Council. I need not say that a government, no matter whether they be a Liberal or a Conservative one, is a human organization, which will naturally exercise every power that it possesses, and also the pressure which it can bring to bear upon those with whom it has to deal to secure all the support possible to maintain power, and this is certainly a step in that direction. It seems to me that every session we are becoming more progressive in the way of handing over to the Governor in Council the powers which should be exercised by parliament and none other.

Hon. Mr. SCOTT—I cannot see any possible evil consequences that are flowing from it. It is impossible to frame language more just. If the government infringe on

any right, a petition of right can be obtained from the Crown, and the case can be tried in the Exchequer Court; but parliament could not define how much gas or electric power could be exported. You cannot tell whether it is one-fifth, one-fourth, one-third or one-half. It is absolutely impossible to define it, and you must leave the power somewhere. It does not seem to me that it is open to the charge of my hon. friend that it could be abused. I cannot see how it could be, because it operates naturally. If there is a demand in Canada for power it cannot go to the United States, and if there is no demand in Canada it can go to the United States. But Congress has already settled the amount. We cannot send to the United States any more than a given quantity, about $170,000 worth.

Hon. Sir MACKENZIE BOWELL—I do not think either the leader of the opposition or myself have had the power to explain really what we do mean. The exportation of the surplus or half the surplus has nothing whatever to do with the power which is given to the Governor in Council to impose a duty whenever they think proper. It may be done properly or improperly. I think my hon. friend in this case has forgotten history as applicable to himself and to others. I remember the time, and so will my hon. friend, when he was supporting the Ontario government, when rigid rules were laid down by the late John Sanfield McDonald, when he was at the head of the government, in reference to granting subsidies. He would not grant a subsidy to a railway until the whole scheme was laid before the legislature. He would not trust himself or the government to arrogate or take the power to themselves to dispose of public funds or to impose them as these clauses do. In this clause the government take power to impose a duty or to repeal that duty and reimpose it. That is the point we are arguing, and not the question of surplus at all. If that is the doctrine of Liberalism, I fail to understand what the constitution under which we live and under which we have been governed for many years really is, and more particularly when applied to the professions of what is termed the Liberal party, both in this country and in England. However, you have the power and you have the majority to do it.

Hon. Mr. McMULLEN—I drew the attention of the House to a point in connection with the development which has taken place in Fort Frances on the second reading of this Bill. There is a company developing power on the Rainy river that runs out of Rainy lake to Lake of the Woods. The corporation of Fort Frances has entered into a contract with a company providing for the erection of a power-house for the whole of the power produced on the Canadian side. I know that is the agreement. The company expects to export one-half the power developed there to the Minnesota side, and the other half is to be used, if it is required, on the Canadian side; but the company want the right of exporting the power to the United States side, if there are not users on the Canadian side. In view of the fact that they have entered into a covenant to erect a power-house for the whole of the power produced on the Canadian side, it looks to me from the reading of this Bill—and I have read it twice—that if the government were so disposed, they could impose a duty on the whole of the power exported. Of course the hon. Secretary of State assured me, in reply to what I said before, that is was not the intention of the government to do that. Well, I do not know that it is but there is no provision that I can see in the Bill that where a stream is an international waterway, utilized for the production of power, and where the power is all produced on one side, that the party can export a portion of it or if necessary one-half to the other side, without being interfered with. There is nothing in the Bill that I can see that will secure that as a condition.

Hon. Sir MACKENZIE BOWELL—We are not arguing that point at all.

Hon. Mr. SCOTT—There are two reasons why my hon. friend should not be in the slightest degree uneasy in reference to that. In the first place, clause 5 specially provides that the surplus may be exported. There is no duty at all on it. It is only while the surplus exceeds one-half that there is any risk there, and so long as it is not wanted on the Canadian side it can be

exported. The country's rights are preserved under the statute that we passed here. I think I took a great deal of interest in the framing of that law. You may recollect we had it up in committee day after day, and I am quite familiar with it. I think I had to do with the redrafting of a portion of it that was corrected. That is under an agreement made between the two parties. No possible questions can arise there. There will not be a surplus if Canada uses an equal quantity with the United States, up to that time there will be a surplus for the United States which Canada does not want.

Hon. Mr. McMULLEN—There will be no duty on that surplus until Canada does want it?

Hon. Mr. SCOTT—Oh, no.

The clause was adopted.

Hon. Mr. MACDONALD (B.C.), from the committee reported the Bill, with an amendment, which was concurred in.

## PRINTING OF PARLIAMENT.

### CONSIDERATION OF REPORT POSTPONED.

The Order of the Day being called :

Consideration of the third report of the Joint Committee of both Houses on the Printing of Parliament.—Hon. Mr. Ellis.

Hon. Mr. ELLIS—I move that this Order of the Day be discharged and placed on the Orders of the Day for Friday next. I wish to make a statement to the House in regard to what has been said in another place. The hon. gentleman from Labelle has impugned the motives of the committee, and I feel in duty bound to make an observation or two on that account. I can understand very well that there may be criticism of any report that may be made by a committee ; but I think it is hardly fair to impute motives to a committee. This is a joint committee of both Houses. The hon. gentleman, on the 22nd of March, in making an observation to the House, complained that the report of the Insurance Commission was not recommended to be printed by the committee, and then went on to say :

It is not only that report, but there are many other documents that are recommended not to be printed. There are for example the documents of the Transcontinental Railway Commission, pertaining to the improvements in the Quebec harbour. Those are documents of importance, because they specially concern considerable interests in the province of Quebec.

That was all right. Then he proceeds :

I do not know whether they are yet printed in English, but they should certainly be printed in both languages. It seems to me this report is made merely to prevent the translation in French. That certainly is the reason with regard to the report of the Insurance Commission, &c.

I desire to say on behalf of the committee that so far as I know—and certainly I think I am safe in saying for the hon. gentlemen of the committee who are members of this House—that no such feeling ever animates them with regard to the printing of public documents. The question comes up whether a document is worth printing or not—whether it should be printed or not. If it is not considered a document that it is necessary to print, the committee endeavour to save the country the expense ; but if it has already been printed by order of the House, or by some authority of the House, then the committee finds it printed and it has nothing further to do with it. That was the case with regard to the Insurance Commission Report. It was in print, and, acting upon that rule, the committee did not print it. With regard to the documents referring to the Transcontinental Railway Commission, and pertaining to the improvements of the Quebec harbour, the hon. gentleman said :

These are documents of importance, because they especially concern considerable interests in the province of Quebec.

I might say that there were no documents. There was an order for documents, but the report of the officer of the government, to whomsoever it went, came back saying there were no documents on that question between the Transcontinental Railway and the public authorities. I feel bound to make this statement, because it is hardly fair to place the committee under the charge of having any feeling against the French language.

The motion was agreed to.

## ADDRESS TO IMPERIAL PARLIAMENT.

### CONSIDERATION POSTPONED.

The Order of the Day being called :

Consideration of the message from the House of Commons, informing the Senate that

they have passed an address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures; and requesting the Senate to unite with the House of Commons in the said address, by filling up the blank therein with the words 'Senate and.'—Hon. Mr. Scott.

Hon. Mr. SCOTT—I move that this Order of the Day be discharged, and that it be placed on the Orders of the Day for to-morrow.

Hon. Sir MACKENZIE BOWELL—This is providing for the expenditure of money is it not? The rule provides that this Senate shall be informed as to the government having the consent of the Governor before it is presented. We have been in the habit of ignoring that principle of constitutional law.

Hon. Mr. SCOTT—It is an address from both Houses, asking the imperial parliament to make a change in the British North America Act in accordance with what the provinces demanded at the recent conference. It increases the provincial subsidies up to a couple of millions.

Hon. Sir MACKENZIE BOWELL—Perhaps the point I raise does not apply directly to this. Before the estimates were passed by this House, we should have had the information that the Governor General authorized the presenting of these reports in the same manner as it is done in the Commons. This is the rule but it has never been carried out here in practice.

Hon. Mr. FERGUSON—May I ask the hon. Secretary of State what would be the effect, if all the provinces do not concur and pass similar addresses? Will this House go on with an address in view of the strong possibility of the province of British Columbia refusing to pass an address.

Hon. Mr. SCOTT—The case of the province of British Columbia as the hon. gentleman probably knows, was submitted to the other eight provinces and they decided that a bonus of $100,000 would be a reasonable amount, in addition to its proportion, to be allotted to British Columbia. The Premier of British Columbia declined to accept the



$100,000, but it is thought the imperial parliament, when being advised, as they will be by the papers, that go before them, that the other eight provinces have all united in the statement that $100,000 extra to British Columbia is ample compensation for the conditions that exist there, that that will have its bearing with the imperial parliament. I may say that British Columbia is sending a delegate over especially to be present, and they are of course carrying out their protest just as Mr. McBride did when he was in Ottawa, objecting to the $100,000 as not being enough.

Hon. Mr. FERGUSON—Does my hon. friend propose that parliament should ask the British government to agree to this plan with one of the most important provinces protesting? Would he put it through in the face of that fact?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—In a very important matter of this kind the people of the different provinces should be consulted. I am certain the provincial government would be swept out of existence in Prince Edward Island, if that province was appealed to at the present moment, for agreeing to such terms.

Hon. Mr. SCOTT—I understand the subject has been brought up in all the provincial legislatures. Of course, the question goes back many years. They have had repeated conventions, and I think as far back as five or six years, they came to an agreement contained in the paper that will be submitted for consideration to-morrow. What other tribunal would my hon. friend say could settle this question of British Columbia's demand? It is said, and said with some degree of truth and justice, that the conditions are different in British Columbia; that it is a large province, and a large area of land is more difficult to administer, and, therefore, they should have something additional in consideration of that fact. The other eight provinces agreed that that demand was reasonable, and then they discussed together what would be a suitable amount to allow to British Columbia in compensation for the conditions there. They are somewhat similar to those that exist elsewhere, and they came to the unan-

imous conclusion after discussing it, that $100,000 would be a fair amount to allot to them. There is no other tribunal, otherwise it would break down the whole thing.

Hon. Mr. FERGUSON—My point is that there was a solemn treaty entered into between the provinces at confederation, and, do you propose to abrogate that treaty and establish different conditions with an important province of the Dominion, constitutionally objecting to anything of that kind? And, incidentally, there is the question that in abrogating this treaty that was made at confederation, there should be an appeal to the people of the different provinces, and I tell my hon. friend that the people of Prince Edward Island are almost a unit in opposition to this proposition.

Hon. Mr. POWER—I wish to draw attention to the fact that the question before the House is a motion to postpone the order of the day.

The motion was agreed to.

The Senate adjourned until to-morrow at Three o'clock.

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## SENATE.

OTTAWA, Tuesday, April 9, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### TREATY BETWEEN UNITED STATES AND GREAT BRITAIN.

#### INQUIRY.

Hon. Mr. LOUGHEED—Before the Orders of the Day are proceeded with, may I direct the attention of my hon. friend to an article which appears in this morning's 'Citizen,' and upon which some information might be given to the House. It reads as follows:

Washington, April 8.—It was officially admitted to-day that a treaty had been drafted between the United States and Great Britain, providing for the appointment of a joint commission which will consider all of the complex questions connected with the water boundaries between Canada and the United States. This will include such questions as the disposition of the waters of the great lakes; the regulation of the use of water at Niagara Falls for power purposes and the whole general subject of fisheries' regulations not only for the great lakes, but for the Atlantic and Pacific states. This treaty will require the approval of the United States Senate to become effective, but it is possible that an arrangement in the nature of a modus vivendi will be reached between Secretary Root and Ambassador Bryce in the near future.

I desire to ask if there is any truth in the report, which seems to have been officially made, and to further say that in the event of such treaty being negotiated, I hope the government of Canada will strongly protest before any commission that may be appointed, against the adoption of any modus vivendi, for the continuance of treaty rights, pending the ratification of such a treaty by the United States. The whole treaty history of Canada practically,—at least between Canada and the United States—has been one of modus vivendi, by which Canada has been precluded from enjoying the benefits which almost invariably flow from those treaties, and by which the United States invariably participates in all the advantages which have been negotiated to flow from Canada to the United States. Possibly my hon. friend may have some information which he can give the House as to this treaty, which is apparently about to be consummated. We have heard so many reports of late, and the presence within the last few months of Mr. Root, the Secretary of State for the United States, as well as the British Ambassador in Ottawa, gives a certain amount of probability, it seems to me, to the despatch which appears in to-day's issue of the 'Citizen.'

Hon. Mr. SCOTT—I presume this will go on record as the latest report which has no possible foundation. If there is foundation for it, the government of Canada have not been advised of it. No information has been sent to us. The commission having control of the waterways between the two countries, was appointed a year ago and has been acting. There is no intention of superseding them, because you may remember that one of the members of that commission, representing the United States, died, and a successor was appointed, and

they have from time to time been acting and conferring together, which I know as a matter of fact, so that I fancy that this report is probably made up by a news reporter who wanted something startling to communicate. I do not know that there is any foundation for it, more particularly as it refers to the international waterways, which are now all under the sovereignty of this commission. For a long time the St. John river difficulty was withheld, but now even that has been placed under the control of the commission. It may be that something is being drafted at Washington to be submitted, but if such a document has been prepared it has not reached us yet.

Hon. Mr. LOUGHEED—My hon. friend does not presume to say that the waterways of the two countries are under the administration of the commission referred to? As I understand it, that commission was simply appointed by the two governments to report upon the waterways, not for the purpose of entering into any treaty with regard to the rights of either countries, nor even the recommendation of a treaty, but simply to report to their respective governments.

Hon. Mr. SCOTT—Practically, so far, there has been no dissent from the finding of the commission. Although they have not been formally confirmed, yet in both countries there has been a tacit acceptance. In some instances, of course, the grievances have not been removed, and Congress has itself, in connection with the Niagara Power Companies taken the question practically out of the hands of the commission, and dictated as to what their view was.

Hon. Mr. LOUGHEED—Did I also understand my hon. friend to say that the late Joint High Commission has held a conference? I understand there has not been a conference of that commission within the last few years.

Hon. Mr. SCOTT—The commission to which I refer is the waterways commission.

Hon. Sir. MACKENZIE BOWELL—If I understand the Hon. Secretary of State aright, he says that no treaty has been entered into between Great Britain and the United States of which this government has been informed. That is what I understood him to say.

Hon. Mr. SCOTT—Yes.

Hon. Sir. MACKENZIE BOWELL—It cannot be that the British government is treating us as it did Newfoundland. At least I hope not. I cut out of a paper the other day a long list of questions which were to be discussed between the British Ambassador and our own Governor General and government. It was followed by a statement in a telegram from Great Britain that Canada had consented to some of them. I must confess that I did not at the time think it possible that the questions mentioned in that list were of a character that Canada would ever consent to. They struck me as colossal impertinence on the part of the Washington authorities, if they ever made such a proposition to the government. However, it is gratifying to know from the statement of the hon. gentleman that they have no intimation of any treaty being entered into of the character mentioned in the despatch quoted by my hon. friend from Calgary. I hope we shall not be placed in the same position as Newfoundland was placed recently, when questions of modus vivendi affecting the trade, the interests or the autonomy of the country are considered.

Hon. Mr. SCOTT—If my hon. friend read the observations made by Sir Wilfrid Laurier at the banquet recently given to Mr. Bryce at the Russell House, he would have noticed that Sir Wilfrid said very distinctly that Canada was not now going to Washington, and that he made other comments in a similar strain which attracted the attention of the British press. My hon. friend will probably have noticed some comments on the instructions which Mr. Bryce received during his Canada tour, not only at Ottawa but at Toronto, and will have observed no doubt his very judicious silence on all questions connected in any way with international complications between Canada and the United States. Canada is perfectly safe up to the present time.

## THIRD READING.

Bill (141) An Act for granting to His Majesty certain sums of money for the

public service of the financial year ending the 31st of March, 1908.—(Hon. Mr. Scott.)

## GRAND TRUNK RAILWAY BILL.

### DEBATE ON THIRD READING CONTINUED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for the third reading (Bill 82) An Act respecting the Grand Trunk Railway Company of Canada, and the motion in amendment of the Hon. Mr. Ferguson :

That the 7th section thereof be amended by adding thereto the following words :

Provided, however, that the company shall not be relieved from liability for damages for personal injury to any of its workmen, employees or servants, nor shall any action or suit therefor by such workman, employee or servant, or, in the event of his death by his wife, heirs at law, or personal representatives against the company, be barred or defeated by any rules, by-laws or regulations made or adopted under authority of this Act, or

(2) By reason of any notice, conditions or declarations made or issued by the company as to the terms upon which the said fund or any portion thereof shall become payable, or

(3) By reason of any express or implied acknowledgment, acquittance, or release obtained by the company prior to the happening of the wrong or injury complained of or the damage accruing to the purport or effect of releasing or relieving the company from liability for damages for personal injuries as aforesaid, or by reason of the contribution or payment of the moneys of the company to the said fund or of the benefit or payment to which the workman, employee or servant, or his wife, heirs at law or personal representatives may become entitled out of the fund aforesaid.—(Hon. Sir Mackenzie Bowell.)

Hon. Sir MACKENZIE BOWELL—When I moved the adjournment of the debate last night, I intimated that if I could fancy for a moment that the passage of this Bill which is now before us would have the effect indicated by the mover of the amendment, and by others who seemed to take the same view that he does, I scarcely think that there would be a gentleman in the Senate who would not cordially approve of and vote for the amendment. I am very much afraid, however, that the Bill is not fairly understood. I say this with a great deal of humility, because I notice sometimes when one gentleman differs from another, it is intimated to him that he does not understand what he is talking about. We can, upon questions of this kind, in considering an important provision such as this now under consideration, differ very materially as to the effect which it may have in its administration without being told that we do not mean what we say or that we do not understand the question. The subject of superannuation and pensions has been occupying the attention not only of all governments, but of the different railway corporations on this continent and in Europe, and I may be permitted to refer to the different schemes which have been thought out and which are now virtually, so far as the railways themselves are concerned, laws which govern them upon these questions. We were told yesterday that there is as much difference between a superannuation and a pension as there is between tweedledum and tweedledee. It strikes me that gentlemen who give any consideration to this question will understand that a superannuation is altogether different from, and is based upon different principle entirely to a pension. Take the Grand Trunk Railway and the Canadian Pacific Railway at the present moment; the Grand Trunk Railway now have two or three systems to aid their employees under certain circumstances, and the same remark applies to the Canadian Pacific Railway. All the great corporations in the United States and England have adopted the same principle that governs both the superannuation and other schemes designed to protect their employees in cases of sickness, or retirement after they attain certain ages when they are considered unfit for work. The Grand Trunk Railway system have to-day a superannuation fund to the extent of nearly one million dollars, which is invested in different securities, for the purpose of paying annuities to the clerical staff, exclusively, when they reach a certain age. To this fund the clerical staff pay two and one-half per cent of their monthly wages, and the company the same amount out of the funds of the company; that is paid by the staff for the benefit of those who contribute. Then they are placed upon a superannuation list, provided they desire it, and they have a right to claim superannuation at the age of 55. The amount paid by these clerks and the amount to which they are entitled is based on the same principle as that which the government Superannuation Act is framed. The different sums paid to these employees when

they are superannuated range from $200 up to $2,000, based upon the amount of their salaries and the sums which they have paid into the fund. That is the principle that governs the present Grand Trunk Railway superannuation scheme. Of course it applies to other corporations in precisely the same way, but I use the word Grand Trunk Railway, because it is their Bill we are discussing. Then they have a provident insurance fund which applies to the whole staff, to the messenger as well as to any one else, and to this fund the men contribute a certain amount, and the company contributes between twelve and fifteen thousand per annum. From this fund a sum is given at the death, or in case of injury, or in case of sickness, when they are provided with medicine and attendance which is necessary for invalid employees. These are the principles governing the superannuation and the provident fund as it exists to-day. What are we asked to do in the Bill before us? That is what we really have to consider. If you read the Bill closely, you will find that the provision is that the company may—mind you it is permissive on the part of the company—make provision for the payment of an allowance to employees after—do not forget this point—after leaving the service. That is, the company ask permission to set aside part of the earnings of the road to provide an allowance for employees after leaving the service, and to establish a fund to be known as the Grand Trunk Pension Fund, and may from time to time contribute thereto, out of the gross earnings of the company, such amounts as the directors determine. In reading it, I can come to no other conclusion than this: that the Grand Trunk Company desire from the parliament of Canada permission to utilize, or set apart, or contribute a portion of their gross earnings as a pension fund and charge this contribution to current expenses of running the road. My hon. friend to my left (Hon. Mr. Sullivan) said to me last night 'Why do they not do this without coming to parliament?' For this reason: The directors are the trustees and custodians of the money earned by the railway, and they have no right to distribute that money in the way of contributions or for any other purpose than the running of the road, and for the benefit of the stockholders or shareholders of the company. Hence it is necessary to have power from parliament to enable them to do this. They might obtain power and authority by another means. They might for instance, if they could get all the shareholders and all the bondholders together, and get their united consent to dispose of their money in this way, they might do it. With the immense number of shareholders in the Grand Trunk Company, that would be altogether impracticable. There is nothing in this provision that can by any possibility, to my mind, be construed into giving power to pass a by-law or the adoption of a regulation to deprive an employee of the railway of any right which he might have under any law that exists. First of all, he has no claim on this fund. It is purely a gratuity on the part of the corporation; in other words it is nothing more nor less than a charitable contribution to old employees of the Grand Trunk Ry. whom they desire to retire from employment. We all know this, and we had an illustration of it a few days ago; take a corporation like the Grand Trunk Railway and the Canadian Pacific Railway and particularly a government railway like the Intercolonial. There are honest, straightforward employees, men who have been trusted as employees of the railway for years and years, until they have become absolutely useless through old age or infirmity. Well, at that period of their existence the Grand Trunk Railway, as the government of Canada has very properly done under the law which we passed a short time ago, not only established a superannuation fund similar to that which is provided by the different railway corporations of the country, but they have appropriated a large sum of money, reaching up, I think, if my memory serves me right, to $60,000 or $70,000. What for? For the purpose of enabling them to contribute to the support hereafter of the old employees who are still in the employ of the railway, but who have become absolutely useless for the work they have to perform. I take it that that is precisely what the Grand Trunk Railway proposes to do in this case. They have been in existence for a long long time. They have to my knowledge men in their employ who have been connected with the road for the last 20 or

30 years. They have arrived at an age at which they are not as useful as they were in their younger days, and the Grand Trunk says: 'We must dispose of these men, and we cannot discharge and throw them on the world, to the mercy of charity, because their wages during the period they have been employed with us have not been sufficiently large to enable them to lay by anything to support them in their old age, and their families.' I look upon this as one of the most commendable acts that any large corporation could possibly adopt in the interests of those in their employment. While I cannot agree with the junior member for Halifax, that we are to be guided altogether by what took place in the House of Commons, I have learned from a gentleman from that Chamber, that this matter was threshed out, not only in the House but also before the committee for a long time, and Mr. Lennox informed the Senate committee, while we were considering this question, that he had moved the resolution himself in the Commons but had been defeated. I am speaking from what I believe to be in the interests of the workingmen. What would be the effect of adopting such a drastic amendment as that proposed to this Bill? Is it at all likely that if the company are to be hampered in the manner in which it is proposed to hamper them in this important matter, that they will establish this fund which they contribute themselves, and for which they ask not one red cent from the men who are to benefit by it, is it at all likely they will put themselves to the trouble and have all the annoyance of establishing such a fund? They will rather leave the unfortunate men who have arrived at an age when they are unfit for work, and have not saved sufficient to sustain them during the later period of their lives, without anything to live upon. They may be objects of charity, or, if I were in the old country, I would say subjects of the poor-house; but the less we have of poor-houses in Canada the better. The object of the Bill is to prevent a contingency of that kind, and it would be in the interests of the workingmen of the country who have arrived at the age to which I have called attention that this Bill should become law, and we should not only do that, but we should encourage to the fullest possible extent all these great companies who are adopting that system. I know it is a fact in Ontario, and I presume it may be the case in other places, that in large manufacturing establishments they have no superannuation fund. They are not obliged to give any superannuation to men who have been in their employment for years and years if they want to dispense with their services; but as a matter of fact, they either give them a large gratuity, or give them so much annually during the balance of their lives. I know of an establishment in the city where I live, a distillery, where the same principle is adopted. It has been purchased by outsiders, and they are increasing its capacity. The men who have been in that employment for 20 or 30 years have been retired, and the company has granted them, out of their own funds and out of their individual pockets, a certain sum per annum while they live. That is what the Grand Trunk proposes to do by this Bill. I was a little surprised, because I could only come to the conclusion that my hon. friend, when he made the statement here that there was no intimation before the committee when this Bill was under discussion, that the Grand Trunk Company was not to contribute all the funds necessary to create this pension fund. If I understood him aright—and perhaps I misunderstood him—he was not correct in that statement. It was distinctly stated by Mr. Biggar, that every cent of the money that was to be paid for the establishment of this pension fund was to be paid out of the gross earnings of the company.

Hon. Mr. FERGUSON—Is the reference intended for myself—that I made that statement?

Hon. Sir MACKENZIE BOWELL—Yes, I understood the hon. gentleman to say that.

Hon. Mr. FERGUSON—The statement I made was, that it was stated in the committee, but I did not think the statement was made by Mr. Biggar. That is what I said; but in connection with that, I should

like to know why it is, if they intend to contribute the whole of this fund, they do not put it in the Bill.

Hon. Sir MACKENZIE BOWELL—I should have no objections to that at all, but I should like to know from my hon. friend since he has asked that question, supposing they do not put it in the Bill, where are they to get the fund ? No employee of the company, under this Bill, is obliged to contribute towards it.

Hon. Mr. FERGUSON—Oh, yes.

Hon. Sir MACKENZIE BOWELL—If he wants to reap the benefit of the Superannuation Act then he has to pay. If he wants to reap the benefit arising from the Accident and Provident Fund, then he has to pay. That is not only in the Bill, but that is in the regulations. In this case, so far as I am informed, and so far as the committee were informed, there is no intention to ask any employee to pay one cent. I agree with my hon. friend who has just asked that question ; it would have put the matter beyond a peradventure or a dispute if they had put such a provision in the Bill, but it is tantamount to it. What does the Bill say ? The company asks permission to do a certain thing. They do not ask permission to tax anybody but themselves. They ask permission to make regulations for the government of a fund provided by themselves. The regulations do not go beyond the governing of this fund.

Hon. Mr. FERGUSON—They ask power to make regulations, and one of these regulations is that there shall be a contribution from their employees.

Hon. Sir MACKENZIE BOWELL—There is nothing of the kind in the Bill.

Hon. Mr. FERGUSON—The regulations can go that far.

Hon. Sir MACKENZIE BOWELL—Then if the regulations can go that far ; if regulations of that kind can be made, then no one is compelled to contribute ; it is not a compulsory Act, and the company cannot compel the employees to pay it, and should the employees decline to pay into the fund, of course they would be deprived of any benefits to be derived from it. But there is no such intention, and it is only an inference drawn from it that something may be done now in the interest of the pensioners. A good deal was said about the decision rendered by the Privy Council on the question of making a regulation to deprive the employees who joined the pension fund or the Provincial Accident Fund, of any rights they might acquire because of injury to themselves. If my recollection serves me right, that was not a question with the Grand Trunk Railway so much as it was with the Intercolonial Railway. The Intercolonial Railway, a government railway, adopted precisely the same rule and regulations that the Grand Trunk did in the establishment of a fund. Then the question arose as to the legality of a clause that would enable the company to contract themselves out of liability. That provision was very properly tested in the courts, and it was decided under the code of the province of Quebec that the company had no right to do it. I do not well see how it could be decided under any other law. The offence, if offence it was, was committed in Quebec, and consequently the Privy Council had to decide the question under the laws of Quebec. This is a point I do not pretend to give an opinion upon ; it is a question for lawyers to decide, whether the common law of England under which we live does not go just as far as the Quebec code on a question of this kind. That is a matter which must be left to the lawyers and judges to decide. The question is very plain, so far as the province of Quebec is concerned, under their code. I take it that the same principle of equity and justice would prevail under the common law of England. However, I give no opinion of that kind, but as a layman taking what I consider a common-sense view of it, that is the conclusion I should come to. I take this position in the firm conviction, strong as it can possibly be in my mind, that the legislation which we are asked to adopt is wholly and solely in the interests of the workingmen of these corporations, who have arrived at a period of life when they have to be retired, because they are comparatively of little use to the companies in which they are employed, and it is a provision to keep them comfortably during the remainder of their lives, and that too out of the earnings of the company, and not

out of their own savings or of any money from their own pocket.

Hon. Mr. ROSS (Middlesex)—As I understand the question before the House, it would appear that in 1874 the Grand Trunk Railway Company established a superannuation scheme for the benefit of its employees. That scheme has been fully discussed in the early stages of the debate, and it appears that the company contributed out of its own resources to that superannuation fund and the employees contributed also. Regulations were made under that scheme by which the employees would share in the general contributions of the Grand Trunk Railway Company and themselves, but the Grand Trunk Company, it is alleged, required its employees to make an agreement whereby if they suffered injury while in the service of the road the Grand Trunk Railway Company would not be liable. If such be the case, it was certainly a very objectionable agreement to make, and could not be defended here or anywhere else. I remember when the Compensation for Workmen Bill was first passed in England, there was no provision in that Act to prevent employees from entering into an arrangement with an employer whereby the employer would not be liable for injuries suffered by the workman. The law stood in that form for some time, and was subsequently amended to provide that no workman could contract himself out of the statute. In Ontario, our first Act for the compensation of workmen was based on a similar principle, and was subsequently amended as the English Act was, and the law of Ontario on that subject stands as does that of England to-day. In 1878 the Grand Trunk Railway Company established another system, whereby there was a sort of insurance for its employees, and the conditions upon which that insurance was paid were somewhat similar to those in the Superannuation Bill. Complaints were made and continued from time to time against the railway system because of its exercise of power over its employees to refuse payment for injuries under conditions where it was thought by the workmen that compensation should be paid. Private arrangements were made, but these were not always satisfactory and the workmen felt that they were, to some extent, in the power of the company that employed them and so suffered loss. The hon. gentleman from Marshfield cited a case which arose in the province of Quebec and which was appealed to England, in which case the Privy Council held that so far as the employee was concerned there was a remedy in the courts, and that the suffering employees could be paid and ought to be paid whatever the court determined. The hon. gentleman alleges that that did not extend to the province of Ontario. I am not going to dispute that proposition. Assuming it to be true, however, I understand by the Railway Act of 1904 that statute was amended to provide that no workman could put himself in a position to contract himself out of the statute and where under no circumstances, if legal phraseology means anything, could the railway company be relieved from paying whatever the court should hold to be proper compensation in the premises. The first two lines of the statute read as follows :

> Notwithstanding anything in any Act heretofore passed by parliament, no railway company within the jurisdiction and legislative power and control of parliament shall be relieved from liability for damages for personal injury to any workman, &c.

The hon. member from Marshfield takes the ground that because of the insertion of the word 'heretofore', that Act does not look forward. His contention was that the Act looked backward, but is silent as to the liability of the company subsequent to 1904. Acts of parliament are effective ordinarily from the date of their passage. A retroactive Act speaks backward as well as forward. This Act of parliament goes backward as well as forward. It says : heretofore. This evidently was an Act intended to cure what was supposed to be a defect in previous legislation ; therefore the insertion of the word 'heretofore', but because the word 'heretofore' is in this Act it does not follow that it shall not apply to cases which arise subsequent to 1904, for it speaks forward as well as backward. If there has been any defect in the Act of 1874 or the Act of 1878, whereby the Grand Trunk Railway might deal unfairly with its employees, I believe that defect was cured by the Act of 1904, and I think that the Act is operative now and speaks forward as from that date, so that so far as all railway companies under the jurisdiction of Canada is con-

cerned, what my hon. friend from Marshfield proposes to do by his amendment is already done. I may say, speaking as a new member of the House and not very familiar with Dominion legislation on this point, I was entirely in sympathy with the hon. member from Marshfield during the early part of his speech. I thought he had a strong case. He put his case remarkably well, if I may be permitted to say so to an old member of the House, and his premises were sound and unanswerable ; but I am afraid he is mistaken as to the legal purport and meaning of this section of the Railway Act passed in 1904. As I understand it, that Act speaks for all future legislation on this point, and applies to this Bill if it were necessary that it should do so, or to any pension fund or anything of a similar kind that could be passed subsequent to that enactment. I have spoken of the two schemes provided by the Grand Trunk Railway Company for its employees, the one of 1874 and the one of 1878. We come down to the present session, when another pension scheme is provided of a different character, and you will notice that these Acts are all differently intituled. The one was a superannuation, the other was an insurance and the Bill now before the House is called a pension fund. It provides that the company may for the purpose of making provision for the payment of an allowance to employees after leaving the service establish a fund to be known as the 'Grand Trunk Railway Pension Fund.' The former funds were not for employees leaving the service, but for employees actually in the service. That is a clear distinction, in my mind. The others were for persons suffering injury while in the service of the company and for the widows and children of those who suffer death through the negligence of the company ; but here we have another class of employees leaving the service of the company. In Ontario we have no pension fund for the civil service, but we have a rule which is usually followed when any person in the service is unfit for further service or anxious to leave the service for some good reason; he can do so with the understanding that a gratuity shall be paid him out of the revenues of the province in consideration of his term of service. This is what this proposed pension fund is intended to be, to a certain extent. I can understand the case of middle aged employees who might wish to cease their connection with the Grand Trunk Railway and who had made no contribution to the superannuation fund or the insurance fund, and under these circumstances, as the law is now, the Grand Trunk Railway Company could not pay anything to them no matter how valuable their services had been. If I understand it, the Grand Trunk Railway Company wants to be in a position to be more generous with its employees now than it has been before. Should this House stand in the way of that Act of generosity? There is no contribution on the part of the employees; it is voluntary. It is the money of the Grand Trunk Company, just as the other moneys I spoke of in regard to the civil service at Toronto is the money of the province of Ontario and it is given; and the company want to be simply put in a legal position to take so much of the revenues of the Grand Trunk Railway and apply that towards a contribution, a gratuity, an honorarium, or you may say a reward for services which it could not reward otherwise. Are we to stand in the way of the Grand Trunk Company doing a generous thing? In the second place, shall we say to the employees who are not on the other funds of the company, we will not allow the Grand Trunk Company to do the handsome or generous thing by you. From whatever standpoint we look at this question, it seems to be something that we ought to allow the Grand Trunk Railway Company to do if they are so inclined and we could put ourselves in a position to compel them to do it. I think it would be a reasonable thing to do. But when they come forward of their own motion with a proposition to award their old servants in a way they could not otherwise do, we should assent to the Bill. But my hon. friend from Marshfield raises the question of the possibility of the Grand Trunk Railway Company, by making regulations to so involve its employees that it may not fulfil the conditions of this Bill. Clause 7 provides:—

7. The directors may make and adopt all such rules, by-laws and regulations not inconsistent with law as they deem proper and necessary for the due and efficient management, administration and disposition of the said fund.

If hon. gentlemen will notice the words 'not inconsistent with law.' Under the law of 1904, the Grand Trunk Railway Company cannot by any tortuous process, if law has any powers of restraint, prevent its employees getting the full benefit, either of the funds already referred to, that is of 1874 and 1878, or of this fund. That law of 1904 stands in the way at the present moment of the Grand Trunk Railway Company doing anything that would bar its employees or require them to contract themselves out of the provisions of this statute, or in any other way deprive them of what the parliament of Canada think they should have. The Grand Trunk Railway Company cannot do anything inconsistent with law that would place its employees in a worse position than they are at present, and the law says no employee can be placed in an unfavourable position. The Privy Council has held that as to the province of Quebec, and parliament of Canada says it applies to the whole Dominion. Assuming that the Grand Trunk Railway Company has the perverse idea—and why should we assume that it has anything but good intentions—of having some provisions smuggled through this House whereby, on the one hand, it appears to be doing a generous thing to its employees, and can by, the 7th clause of the Bill, put itself in a position to deprive its employees of the fund thus created, is it likely that such a thing would occur ? I see no reason to assume that there is such a bar sinister on the face of this Bill. On the contrary, the Grand Trunk Railway Company says it shall not, and we say it cannot do anything inconsistent with law, and if it does not do anything inconsistent with law, I see no reason why the Bill should not pass in its present form.

Hon. Mr. LOUGHEED—A great deal of misunderstanding or misconception on the part of many hon. gentlemen has arisen with reference to the purport of this legislation. Owing to the expression which fell from some hon. members yesterday, the inference must necessarily be drawn that the Railway Committee was very remiss in its duty in reporting this Bill without adopting the amendment proposed by the hon. senator from Marshfield. This matter was very fully considered in the Railway Committee. It was discussed in at its various phases, and there could be only one conclusion, namely, that the amendment is entirely unnecessary. Now the whole question is this—is it necessary in the passage of this private legislation to tack on to the end of this Bill what now is the general law of Canada ? The adoption by the principal railway companies of Canada of a pension or accident or provident fund, and funds of that character, has become quite general. Up to 1903 a doubt existed in some minds as to whether an employee could contract himself out of the liability of the railway company to himself or to his representatives in the event of accident or death. In the first place under the common law, as the hon. senator from Marshfield yesterday very properly said, the employee had a remedy against the railway company. I venture to say that there is no judicial authority, in any of the provinces, which has held that an employee has the right to contract himself out of such liability. It is a well known canon of construction with reference to over-riding the common law, that there must be express language abrogating the common law. Or it must either be expressly implied, and, I think in all our body of statute law no legislation can be found which would warrant a railway company entering into a contract with its employees by which an employee could contract himself out of liability.

Hon. Mr. CLORAN—What about that case in Ontario ?

Hon. Mr. LOUGHEED—There is no such authority.

Hon. Mr. CLORAN—Judgment was given that way.

Hon. Mr. LOUGHEED—It has not been held by the courts of Ontario, so far as I am aware. The history of the matter is this ; in 1903, when the General Railway Act was being passed, it was suggested to do away with doubts on the subject by an amendment to the Railway Act expressly stating that an employee should not be permitted to contract himself out of this liability. In 1904 the parliament of Canada placed on the statute-book an amendment to the Railway Act, providing in the broad-

est and strongest language that could be expressed in the statute, that under no conditions could a railway employee contract himself out of the liability referred to. If hon. gentlemen will look at chapter 31 of the statutes of 1904 they will find that provision.

Hon. Mr. CLORAN—Why was it necessary to put that on the statute-book ?

Hon. Mr. LOUGHEED—To remove all doubt on the question. Now the question arises are we to re-enact this general legislation to every Bill of this character that comes to parliament hereafter ? The hon. member from Marshfield, yesterday, referred in his argument to the fact that the Intercolonial Railway had embodied in its superannuation fund Act a provision of a similar character to that which he is proposing to insert in the present Bill. My hon. friend over-looked this very important consideration, that the Railway Act does not affect the Intercolonial Railway, and, consequently, it became necessary that there should be special legislation in connection with the superannuation fund of the Intercolonial Railway to provide for this condition of things ; but so far as the other railways of the Dominion are concerned, they are absolutely bound by the legislation of 1904. It might occur to hon. gentlemen to ask who is urging the adoption of this amendment proposed by the hon. senator from Marsfield. Is it the employees of the Grand Trunk Railway or of the other great railway corporations of the Dominion? No, there is not a tittle of evidence before this Chamber, nor was there before the committee, to indicate that a solitary employee of any of those large railway corporations had indicated any disatisfaction with the legislation for which the Grand Trunk Railway Company asks and which had been passed by the Commons. But there came before the committee Mr. Lennox, a member of the House of Commons, and he expressed before the Railway Committee a doubt as to whether the Act of 1904 really applied. Mr. Lennox himself would not venture, as a legal gentleman, to say that it did not apply, but he said simply to remove a doubt which was in his own mind he desired to have the provision of the general law re-enacted in the Bill which is now before us. The question was put to Mr. Lennox, will not the logical sequence of passing such an amendment be that whenever, in the future, legislation of this character comes before the parliament of Canada, it will become necessary to re-enact the same general law ? Mr. Lennox had to answer in the affirmative. Now I venture to say so far as the interest of the railway employees is concerned it would not only be embarrassing, but it would confuse the subject of the general law if we added this general Act to the private Bill now under discussion. Should that be done, the courts might very well say if parliament amended this special Act by the addition of the general law, there must be some doubt as to whether the legislation of 1903 was as general in its character as is claimed. Consequently, I say without any hesitation that it would be legislation of a most confusing character to amend a private Act by attaching to it a general Act which confessedly and admittedly must apply to all railways. So far as the character of the fund is concerned, I do not see that that necessarily enters into the consideration of this question. The Act of 1904, which prohibits railway employees from contracting themselves out of liability, will apply to every condition of fund which may be established.

Hon. Mr. DAVID—Will the hon. member be kind enough to read clause 1 of the Act of 1904.

Hon. Mr. LOUGHEED—The title of the statute is 'An Act to amend the Railway Act, 1903,' and clause 1 of chapter 31 is as follows :

Notwithstanding anything in any Act heretofore passed by parliament, no railway company within the jurisdiction or legislative power or control of parliament shall be relieved from liability for damages for personal injury to any workman, employee or servant of such company, nor shall any action or suit by such workman, employee or servant, in the event of his death by his personal representatives, against the company, be barred or defeated by reason of any notice, condition or declaration made or issued by the company, or made or issued by any insurance or provident society or association of railway employees formed, or purporting to be formed, under such Act ; or by reason of any rules or by-laws of the company or rules or by-laws of the society or association, or by reason of the privity of interest or relation established between the company and the society or association, or the contribution or payment of moneys of the com-

pany to the funds of the society or association; or by reason of any benefit, compensation or indemnity which the workman, employees or servant, or his personal representatives, may become entitled to or obtain from such society or association or by membership therein; or by reason of any express or implied acknowledgment, acquittance or release obtained by the company or the society or association prior to the happening of the wrong or injury complained of, or the damage accruing, to the purport or effect of relieving or releasing the company from liability for damages for personal injuries as aforesaid.

Hon. Mr. POIRIER—The Act says, 'heretofore'—would it apply hereafter.

Hon. Mr. CLORAN—That is the gist of it—will the judges agree?

Hon. Mr. LOUGHEED—The phraseology employed in the Act was evidently used to cover two conditions of things; namely, a condition heretofore existing and a condition hereafter existing. The first line and one-half was put in to cover a condition of things heretofore existing—'Notwithstanding anything in any Act heretofore passed,' &c. Every gentleman should know that according to the Interpretation Act, an Act of parliament is always speaking; that is to say, 50 years hence this Act if unrepealed, is speaking just the same as it does to-day. This question was put to Mr. Lennox, when he was before the Railway Committee—supposing the first line and one-half were left out, would not the Act be equally effective? Mr. Lennox had to admit that it would be. The clause would then read:—'No railway company within the jurisdiction or legislative power or control of parliament shall be relieved from liability for damages for personal injury to any workmen, &c.' So that it is simply a play upon words to apply it otherwise, and it is a misconception on the part of hon. gentlemen who fancy for one moment that there is any other limitation in the first line and one-half to which I have referred.

Hon. Mr. CLORAN—Will the hon. gentleman guarantee to this honourable House that the same difference of opinion which exists in the Senate shall not exist in a bench of seven judges? If he can guarantee that the judges will agree with him, I am with him.

Hon. Mr. LOUGHEED—The hon. gentleman from Marshfield, in presenting this matter before the Senate yesterday, said it had not received much consideration in the Commons. This Bill was very fully discussed in the Commons and in the Railway Committee of that House. There was a division in the Commons and in the Railway Committee of that House. There was a division in the Commons on the subject, and in addition to that, I say on very good authority that the Minister of Justice and the Deputy Minister of Justice have since both expressed themselves in unmistakable language that this Act of 1904 applies in its entirety and in all the fullness and strength of its language to the condition which we are discussing to-day; and I furthermore say, that owing to the very great consideration which it received in the House of Commons, any amendment which might be tacked on to this Bill by the Senate would not be concurred in by that House. Furthermore, the opposition which is being given to this Bill is not for the benefit or advantage of the employees. Even though so ably represented by the hon. gentlemen who have been urging this amendment. So far as I can learn, a feeling is being generated which will inure against their advantage, by reason of the attempt which is being made to frustrate a gratuitous act on the part of the Grand Trunk Railway Company in making provision for its aged employees. It must appeal, I think, to the reasonableness of every hon. gentleman present that if a provision of this kind, which is absolutely unnecessary, and bearing signs of hostility, were tacked on the Bill, it certainly would inure to the disadvantage of those employees who, on the establishment of the fund, would be the first to participate in its benefits. I therefore venture to say that this Senate would be doing an act which would reflect upon its intelligence and upon its ability in revising legislation to adopt the amendment now before the House.

The SPEAKER—I would draw the attention of hon. gentlemen, as a reminder, to the fact that no reference should be made to debates in the other House or discussions in committee. This rule has been somewhat infringed on during the present debate, and therefore I call attention to it.

Hon. Mr. FERGUSON—Unfortunately this ruling has come a little late. A reference has been made to what took place in the committee by the hon. gentleman who

has just resumed his seat, which certainly is entitled to be dealt with, and after that reference has been made, I think it would be almost unfair to rule that it could not be replied to.

The SPEAKER—I draw attention to the fact that after having allowed the hon. gentleman to refer to what took place in the committee, that I did not preclude those that followed from referring to it.

Hon. Mr. LOUGHEED—In answer to His Honour the Speaker, there is very good authority for demurring to that conclusion. I think it is very plainly laid down in Bourinot—I cannot now place my hand upon the page—that that rule does not apply to a reference either to a debate in the Commons or to a debate in committee upon the subject under discussion. If it relates to some other debate, then, of course, a member is prevented from making reference to it; that is during the present session. But with all due deference, I beg to take issue with the ruling that it applies to the debate in question.

Hon. Mr. POWER—On the question of order, I did not understand the hon. gentleman from Calgary to quote a debate in the House of Commons. He referred to something which could be found in the Votes and Proceedings of the House, that there had been a division on this subject, and that it had been considered in committee and in the House, but he did not undertake to quote the language there. Further, with regard to the discussion in our committee, the hon. gentleman who moved the amendment referred to what took place before the committee.

The SPEAKER—Bourinot at page 478 says:

> It is a part of the unwritten law of parliament that no allusion should be made in one House to the debates of the other Chamber, a rule always enforced by the Speaker with the utmost strictness. Members sometimes attempt to evade this rule by resorting to ambiguous terms of expression—by referring, for instance, to what happened 'in another place,' but all such evasions of a wholesome practice should be stopped by the Speaker, when it is evident to whom the allusions are made. It is perfectly regular, however, to refer to the official printed records of the other branch of the legislature, even though the document may not have been formally asked for and communicated to the House.

Hon. Mr. LOUGHEED—Will my hon. friend pardon me if I refer him to page 479 where Bourinot states:

> The rule, however, does not apply to the different stages of the Bill.

And further on the question is dealt with, and I think a little reflection will indicate that it does not apply to the same question that has been before both Houses.

Hon. Mr. FERGUSON—My reference was not intended so much to what took place in the House of Commons as to what took place in committee, and I had considerable difficulty, when I was addressing the House, in steering clear of making reference to what took place in the committee. I used words by which I avoided the violation of the rule. My only exception is that at a later stage, when I may find it necessary to say a few words, I might desire to say something about what took place on this subject. It would be a mere allusion, but I should not like to have the rule interposed at that particular point when it has not been invoked heretofore.

Hon. Sir MACKENZIE BOWELL—I referred to an Act in committee, but I did so in order to set the statement right, that a certain thing had not occurred. I knew it had occurred, because the gentleman behind me made the statement.

Hon. Mr. POIRIER—Rule or no rule, I think it is doubtful form to tell us we should not adopt a motion or an amendment because the other House will not concur in it. We are not here to be guided exclusively by what the other House may or may not do, and what the other House may do should not I believe be thrust before us in a threatening manner. We should be guided in our discussions and in our votes by the merits of the measure, and not by what may happen in another place.

Hon. Mr. SULLIVAN—It is with great reluctance I make this attempt to address the House. I should not do so, were it not that I hold a decided opinion on this subject, and for my own reputation, and as explanation to those whose opinions I respect and regard, I think I should make a few remarks. I am exceedingly surprised at the warmth and eloquence and enthusiasm that this measure has pro-

duced in the House; but the Bill is of such a simple nature that it might be easily and calmly discussed. I was reminded last night of the celebrated Warren-Hastings trial. Hon. gentlemen will recollect when Sheridan had concluded his speech, one of the members proposed to adjourn the House immediately, such was the dangerous effect of his eloquence. We had that repeated last night, and I think it is as great a compliment as could be paid to the hon. gentleman from Marshfield that such was the perilous nature of his eloquence that the House was adjourned to prevent the carrying of his amendment. Now, with regard to railways in this country, they are always treated by me with the greatest respect. I recognize the influence and power these institutions have on the progress and prosperity of this country. Any man who has travelled to the coast will be struck with admiration of the extraordinary discipline of the raliway and the great advantages which it bestows on this country. Therefore, I think any measure from these great corporations—and I trust it is not truckling in any way to them to say so, because it is from a deep conviction, should be treated with the greatest respect, and every deference paid them. Their wishes should be gratified as much as possible, if it be consistent with the duty we owe the people. I felt it was my duty to vote for this measure, because the Grand Trunk Railway Company sought it. But there is one power given in this measure which I contend is wrong, and which should not be given, except with extreme caution. I have every confidence in Mr. Biggar, and also in Mr. Wainwright the manager, and I should not have the least hesitation in trusting them with anything, but they will not live for ever, and they will have successors, and the example would be bad—because it would be a precedent—to grant such powers to every other company without any restraint. In the constitution of these companies, we have the shareholders who are the owners of the road, and the employees, and I confess that as between the shareholders and the employees my sympathies strongly gravitate towards the employees. The heroism, devotion and zeal of these men is beyond question. We read day after day of cases where they die standing at their posts doing their duty—an engineer telling a fireman to jump to save his life while he stands there with death inevitably facing him. To my mind the men are of superior intelligence to ordinary workmen, and I think it my duty to show my respect for them as much as I possibly can. I do not oppose this measure. I only wish to have it modified so as to secure safety for all concerned, and I do so because I know from experience of cases where this power given to a company has been of the greatest injury. It has been stated here that this fund is to be a gift of the company. That is all very well. The company do in a measure donate a certain amount, whatever it is, a pension or money to their employees after they have left the service. That should read 'Before leaving or on leaving.' I suppose it is given on the merit they have shown in the service of the company, and I can understand what the hon. gentleman from Belleville has said, that there have been a very large number of valuable men in their day, who have grown old in their service, and the company with a humane desire that ought to actuate all companies as much as possible, wish to create this fund out of which to give them a reward, so that they would not be dependent upon the charity of any one. That is a laudable desire if it can be done without any danger. The Bill provides that it is to be given to them after they leave the service, and therefore it cannot interfere with any vested rights, but there is nothing in the world to prevent the company from paying it, just as a boy is rewarded at school by a prize. He does not get during the school hours, but he receives his prize when he is leaving or on a special occasion. The employees are to get this when they leave, but what is to prevent the company from saying 'You will not get this pension or allowance unless you comply with the rules and regulations of the company.' Now there is the whole difficulty to this matter. The company has power to make by-laws, regulations and rules. Are they to have such a tremendous power placed in their hands? Are they going to exercise that power, or are they going to use it for the benefit of the employees and not in favour of themselves? No, they may use it to prevent

strikes. They may use it to make the men subservient, and obedient to them. Because what appears to be a merit in the Bill, may also be used as a lever. It is not stated for what this money is to be given; no purpose is stated. It is simply given to employees after leaving the company. The Bill gives the power to the company to use this bonus as a weapon to hold it over the men. I do not say that they will so use it, but they get the power to use it, and make regulations to that effect. There is no use going back to any laws. Take the Bill as it stands and the remedy is simple. I believe in this way; not according to any law or rule, but the law which God has implanted in every man, the law which teaches him to avoid evil as much as he possibly can, and which teaches him to do what is just, right, and honourable. If there was ever a place in this world where justice, truth and honesty should be manifested it should be in the Senate. I am sorry to see there should be any dispute when the remedy is easy and simple. It is said it is in the law; what harm will it do to make assurance doubly sure? I do not offer this as an amendment but I merely suggest the following:—

The directors may make and adopt such by-laws as they deem proper, &c., but no legal right of any employee possessed previous to the passing of this Act will be affected thereby.

I would add a provision of that kind to this Bill. I do not see any harm in it, and I do not know how it will affect past or present laws. There are many men in this House, like me, who are unable to follow all the intricacies of the law, and it is for them to take a common sense view of it. That is the view I take of it, and why do I take it? I have had experience of it. I know of a company who were supposed to pay a man $200 at the end of ten years by a payment of $15 a year for that term. After nine years they offered to return his money and 10 cents for the use of it for the nine years. He had no redress because this company had the power under the seal of the Dominion to make regulations. The contract under which the $200 was to be paid was to be subject to any by-laws made by this company previous to it, during the time it is in force, before and after it is in force. That applied to the past, the present, and the future, and it would take a long time to get over that difficulty. I do not think there is any one who could avoid it. Seeing that is the nature of the case, you will not consider it at all irregular on my part, or that I am too fastidious or too particular when I offer my only objection to the Bill. I have not read closely the amendment of the hon. gentleman from Marshfield, but I should be inclined to vote against this measure, unless it was modified in that way, thus giving security. The fact of an employee only receiving it after he leaves is no security at all; or the fact of the employee not contributing to it is no security. The employees do contribute to it indirectly. What constitutes the wealth of this company? Where would the company be if it were not for them? They contribute to the company as much as the equipment, the ties, rails or the other assets of the road. It requires a combination of all to make the road. It is the old story of the face fighting with the stomach and the other organs which are comprised in an organic body; they all work together and are productive to its health. Therefore, when it is said the company can do what they like with their money, I say so they can, but they cannot do what they like with it to injure any one else. It may be asked, 'Where is your justification or authority for taking this stand?' I have no brief or authority from any society or individual. I take the stand I do, because my conscience tells me it is right. I think it is the duty of the Senate to listen to such warnings, and be indifferent to party feeling or what political feeling may be on one side or the other, or even what the House of Commons may do. It is the duty of the Senate to give an honest, conscientious vote and do it without fear, favour or affection. I am naturally inclined to favour this company. I respect these institutions as well as any other man in the country. I appreciate their great value, and any measure which relates to them shall always receive the highest consideration and the highest effort of my limited ability.

Hon. Mr. POWER—I beg pardon for interrupting, but the hon. gentleman referred

to an amendment which he would support. I did not catch it.

Hon. Mr. SULLIVAN—I was simply suggesting to insert in this portion where the by-laws and regulations are provided for the following words :

But no legal right of any company possessed previous to the passing of this Bill shall be affected thereby.

It may be that the Act provides for it, and if so there cannot be any harm in repeating it.

Hon. Mr. POWER—How could any employee have a legal right under this measure before it is passed ?

Hon. Mr. SULLIVAN—Because he is mentioned in this. He is a part of the Bill, and surely he is affected thereby. It is all with reference to the company and the employee, and I am voicing the sentiments of the employees so far as I can. I have no authority to do so, but my own wishes compel me to take this course.

Hon. Mr. McMULLEN—I think this question has been well and ably debated by the hon. gentleman from Belleville, first, and afterwards by the hon. gentleman from Toronto and then by the hon. leader of the opposition. I think every point has been covered. Although I have listened to my esteemed friend, the hon. senator from Marshfield, I do not think there is a single point that he has raised in connection with the amendment he proposes that has not been throughly answered. I do not think it is complimentary to the Grand Trunk Railway nor would it be to the Canadian Pacific Railway making insinuations or professing to read between the lines, that these companies by some overt act are endeavouring to secure a position by which they can take advantage of their employees. I have known the solicitors of the Grand Trunk Railway and the Canadian Pacific Railway. I have sat on the Railway Committee for some eighteen or nineteen years. I never knew any one of those men to attempt by a veiled effort to secure power either from the other Chamber or from this, that would enable them in any way to take advantage of their employees or to get something that, possibly, if it were in the open light of day, they could not expect to get. I knew Mr. Bell, who was the very respected solicitor of the Grand Trunk Railway for many years, when he came before parliament and made statements, as a rule his statements were accepted. He was a man of high honour and good ability. I was also acquainted with Judge Clark, solicitor of the Canadian Pacific Railway. When he made a statement to the Railway Committee as to what the company was seeking, it generally was taken as an honest, candid statement of what they ought to secure. I believe the men that now occupy the positions that were so ably filled by the men who preceded them, are just as honourable men as their predecessors. We know that on the present occasion, before a committee of the Senate, Mr. Biggar, Grand Trunk Railway solicitor, stated squarely and pointedly, to the entire satisfaction of that committee what the company were seeking to do. It was well and ably outlined by the hon. gentleman from Belleville. The company have in their employ a number of old men who are worn out perhaps in the service of the company. They feel that it is necessary, notwithstanding the fact of the two systems they already have by which they can assist their employees, one passed in 1874 and I think the other in 1878, do not cover these men that they wish to part with, and whom they will be glad to get out of their service. They feel that it is necessary in order to place them in a position that they can grant something to these men on leaving the service, they come to parliament and ask for the passage of this Bill. That is virtually all they ask. I think it is a most generous thing to do. Instead of our challenging the honour, sincerity and fairness of the Grand Trunk Railway in doing this, we should compliment them for it. I can see nothing at in the provisions of the law that will warrant any intelligent man in coming to the conclusion that the company are, by a veiled method, trying to take advantage of their employees. I dare say my hon. friend from Marshfield may have been under the impression that there was a veiled attempt, that there was some intention by an underhand way of securing a

position that they could treat with their men to their disadvantage. I am sure that he has come to a wrong conclusion, intelligent as he is, but I give him credit, as the hon. gentleman from Toronto did, for the manner in which he presented his case. But, after all, I think it is clear on the face of the Bill what the object of the Grand Trunk is in asking this legislation. If they do not get the legislation, they could not do what they propose to do, and why? Because there is not one single bondholder of the Grand Trunk that could not bring the company to task for misappropriation of the funds of the company, if they did not obtain legislation to enable them to provide this fund. I think they are justly entitled to it; it was a most creditable move on the part of the Grand Trunk and for my part I am willing to vote for the Bill.

Hon. Mr. BERNIER—I do not oppose the object of the Bill, which is a commendable one.

Clause 7 of the Bill reads as follows:

7. The directors may make and adopt all such rules, by-laws and regulations not inconsistent with law as they deem proper and necessary for the due and efficient management, administration and disposition of the said fund.

I think that opens the door to any kind of possibilities, and to guard against any of these possibilities I will vote for the amendment. I would be satisfied with a clause such as the one we find to-day in the Bill with regard to the Intercolonial Railway. Consequently I will move in amendment to the amendment:

But nothing in this Act and no rules, by-laws or regulations made, action taken, thing done, or payment made by virtue thereof shall relieve the company from liability in the event of damage arising from the negligence, omission or default of the company or any of its officers, employees or servants, other than the negligence, omission or default of the person injured.

This is exactly the law as we find it in the Intercolonial Railway law.

Hon. Mr. FERGUSON—That is to be substituted for the amendment.

Hon. Mr. BERNIER—Yes, I am willing that it be substituted for the other.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Marshfield has given a great deal of attention to the subject, and I think his intention is to protect the workingman. I should like to give an intelligent vote on this question, but as far as I can read and understand the Bill, I cannot see that it interferes with any of the workmen who have been pensioned before now, and that it is entirely a voluntary act on the part of the Grand Trunk Railway. I should like to ask the hon. gentleman from Marshfield if he can see anything in the Bill which affects injuriously the employee hitherto pensioned and also whether the Bill contains anything which gives the company power to rescind or repeal any by-law formally passed by them, affecting pensions to their employees? If he can show that, I will vote for the amendment, but if not I would not do so.

Hon. Mr. FERGUSON—In speaking to the amendment, I will deal first with the very pertinent question asked by the hon. gentleman from British Columbia. My view is that the Act of 1904 is, without any doubt, operative regarding anything that has happened up to the present time. I cannot think that there is the slightest doubt on that point. The doubt entirely turns as to whether the Act is more than retroactive or a measure affecting previous legislation only on account of the unfortunate use of the word 'heretofore.' That may be only a doubt; at the same time there is a doubt, and it is not entertained by laymen alone, but it is entertained by lawyers just as eminent as those who have expressed the contrary opinion in this House, and for that reason I believe that something can be done in the establishment of regulations which would injure the interests of all pensioners for the future under the operation of this Bill. The debate has been a very interesting and somewhat protracted one, and having had the honour of introducing it to the House, I may be permitted to say a few words at the conclusion. I have to express my great thank-

fulness to hon. gentlemen who have taken part in the debate both for and against my amendment for the very great fairness and courtesy which they have shown. I have no intentional misrepresentation of any position I took or anything I said to complain of. Of course, some hon. gentlemen speaking on the other side have not understood me as I intended to be understood, or I think I am entitled to be understood, but I make no complaint of wilful misrepresentation. Reference was made by the hon. senator from Calgary to what he called the very full and ample consideration which this measure received in the committee. With regard to that, if I were of my hon. friend's opinion, and if I thought that ample consideration had been given to the Bill in committee, I might have been satisfied with the result; but I have been a very long time on committees of the Senate and I have never had any experience equal to my experience in connection with this Bill of the manner in which discussion was actually choked off in the committee. We had one of the most respectable members of the House of Commons, and a very eminent lawyer, who took an interest in this question, as the champion of the railway men in court and in parliament and he was listened to with the greatest impatience. He was cut off and interrupted in his arguments, and was, I might say annoyed with the manner in which he was treated. In endeavouring to bring out some points in connection with it, I was interrupted again and again, and finally the vote was actually put while I was on my feet and looking at a paper to see what answer I could find in the Bill to a statement made by some member of the committee. I had that complaint to make, that the Bill did not receive fair consideration, that the committee was stampeded, and on account of that it was due to myself and the important interests involved in this Bill, that I should appeal to the House in order that the question should be fairly and fully ventilated. Many opinions have been expressed about the Act of 1904, and I have, just incidentially, in replying to the hon. member from Victoria, made a reference to that point. The hon. gentleman from Middlesex (Hon. Mr. Ross) thinks that the Act of 1904 is conclusive and ample. The hon. gentleman from Calgary is very strongly of the same opinion, and my hon. friend said that he noticed that Mr. Lennox as a lawyer would not venture to say positively that the Act of 1904 was not effective. I know that Mr. Lennox was carefully in that respect, but he has a doubt on that subject, and his contention and my own is that there should be no doubt. When we find a man of Mr. Lennox's standing and many other lawyers in the other branch of parliament equally eminent, having a doubt on the subject, that fact supports the contention I made to this House that we should not leave that doubt existing. What is the effect of a doubt, supposing litigation arises between the employees of the Grand Trunk Railway and the company? A woman whose husband had been connected with this pension fund is killed by accident. She finds that the Grand Trunk Railway has made by regulation a by-law such as it made under the old fund which would shut her out. She goes to a lawyer who looks at the Act of 1904 and sees that unfortunate word 'heretofore' there, and possibly other defects. He looks at by-law No. 15 and he tells her, as an honest lawyer would tell her, 'I think your case is very good, but I am not sure of it. There is some doubt about this statute of 1904. I am not altogether sure of how it will be interpreted.' As a matter of fact he would tell her that judges differ very much, and one court will decide one way and another court will reverse the decision. What would be the effect? She would give up the case. She would not have the money to prosecute, and nobody would put up the money to litigate a case on which there was doubt. The Grand Trunk Railway Company, possessing ample funds and able lawyers, would be prepared to defend the case because if they could succeed in one such case they would save the expense of defending fifty cases. That being so, we should remove the doubt. What harm can there be in doing so? We have been told all through of the splendid reputation of the Grand Trunk Railway Company and I do not doubt a word of it. I have always received courtesy from their officials, but it is against just such fine men as those that we are making good and firm laws. We cannot assume that they are going to live for ever and will always manage

the Grand Trunk Railway system; therefore, no matter how good we think them, we have a right to make the law firm and solid so that it will be understood, and since there is a doubt about the Act of 1904, and since there is power in this Bill that enable the Grand Trunk Railway to establish a pension fund and make regulations, the danger is there just as much—no matter what good professions the Grand Trunk Railway Company may make to members of this House—and on that account we will not be doing our duty unless we adopt this amendment. Some hon. gentlemen who have addressed the House seemed to be of the impression that this pension fund is something altogether different from a superannuation fund, and suppose they will be still more strongly of the opinion that it is altogether different from a provident fund. Now I find the following definition in Worcester of what 'superannuation' means. I said the difference was only the difference between tweedledum and tweedledee. Worcester defined it as follows:

> Superannuation is to give a pension to on account of old age, or infirmity, to cause to retire from service on a pension.

That is the meaning and the sense in which we are using it, as given by Worcester. If I am mistaken I am in very good company. We have established a provident fund this session for the employees of the Intercolonial Railway, and the payments are called allowance; but they are pensions all the same, and just such a pension as the Grand Trunk Railway proposes to establish. Under section 7 of this Act we give the Grand Trunk Railway Company power to make regulations. These regulations are not subject to the approval of the Governor in Council or anybody else, but to the sweet will and judgment of the Grand Trunk Railway Company, and the Grand Trunk Railway Company alone. One of these regulations might be, as regulation No. 5 in their old provident fund, to this effect, that every employee of the company should become connected with this fund. There is nothing in this Bill to prevent the Grand Trunk Railway Company making payment of a pension contingent on the employees of the company putting up a proportionate amount. They would connect them with the fund just as they did with the old fund, and they could make a by-law such as by-law No. 15, which has been quoted, providing that, in consideration of their contribution to the fund, the company be relieved from liability for accident or death of employees in the service of the company. If it were an insurance provision, instead of a pension provision we were having, there would be some reason in the arguments addressed to this House against the amendment. If the Grand Trunk Railway Company were proposing to grant an insurance to every employee, payable at the time of his death they might with some reason say 'In consideration of our assuring you the payment of this amount when you die, we shall be exempt from liability for injuring or killing you through our negligence'; but the taking away of a man's life is too serious a matter to be compensated for in that way, or in any way except on the payment of an amount fixed by a jury. We should not, in such an important matter as this, leave any doubt or possibility of the company making a regulation of that kind. They have an excellent reputation, but, notwithstanding that reputation they establish by-law No. 15 and saved thereby I venture to say, hundreds of thousands of dollars in damages in cases that they won in court or cases which they prevented going into court because of that by-law. Notwithstanding that, I do not say they are not respectable men; but they come to us with the record of having done that, and having done that once, are we as sensible and conscientious legislators justified in passing a Bill in which there is the least possibility of their being allowed to do it again? I ask hon. gentlemen if we were to take that by-law No. 15 providing that no servant of the company, because of the subscription of the Grand Trunk Railway to this fund, shall be entitled to damages in consequence of accident or death through the negligence of the company, and put it as a clause in the Bill, is there any member of this House who would vote for it, and are you now doing anything different? I would give the Grand Trunk Railway power to do the same thing by a bylaw. You may tell me you are not sure of that. I

am not sure of it; but the doubt is there, and that is the reason why we should not allow it to remain. I say with due deference to those who do not agree with me, we should perform our duty and remove the doubt. Hon. gentlemen have put the extraordinary view before the House that this is only to take effect when an employee leaves the service of the company. The fund is to be established immediately, as soon as the company can organize it after this Act receives the royal assent. The fund is then established, and the rules and regulations will be made, and the men will be connected with that fund, and the company can do as they did before, compel their employees to be connected with the fund. An employee who has been with the company thirty or forty years may be killed by an accident, and the only hope of his widow and orphans receiving a pension would be destroyed. After having been attached by regulation to that pension fund, if the employees happen to meet death by accident their wives and children may be left unprovided for unless we remove this doubt. We have a right, in view of what has been done in the past, to consider the possibility of the same thing being done in the future. If there was no doubt about the Act of 1904, I would have no word whatever to say; but as there is a doubt on that point, the doubt ought to be removed, and the Senate ought to do it now that the Bill is in their hands. Some hon. gentlemen have said that we should not frustrate the Grand Trunk Railway Company. How are we going to frustrate the Grand Trunk Railway Company by making a provision of that kind which no man will say is wrong? Who will say it was wrong to put that clause in the Intercolonial Railway Act? The government did it itself. They did not mistrust themselves. It was to bar themselves and their successors from doing anything of that kind, and thus to give confidence to the employees on the road. Parliament put it in the Bill, and it was a very reasonable thing for parliament to do, and if the Grand Trunk Railway Company do not want to do anything underhand they ought to be ready at once to accept the amendment I have submitted to the House. We have been told 'ad nauseam' that the company are finding this money themselves. If so, it would be a very easy thing for them to say that in the Bill. Around the corridors either themselves or through others instructed to speak for them they say, 'we are going to do that.' I said to Mr. Wainwright when he made that statement to me 'If so put it in the Bill. You say we will contribute.'

Hon. Mr. CLORAN—No, may contribute.

Hon. Mr. FERGUSON—Their contribution may be very small or very liberal. I have no doubt it will be liberal. It ought to be liberal. Such a great and important corporation with so many men in its employ, who have been working for it so long, should be liberal, and the men who will draw from this pension fund will be getting no more than their own money when they become old after a long and valuable service rendered to the company. But the company do not put it in the Bill. If they said in the Bill that they would contribute half a million, or a million dollars, and that no contribution would be asked from the employees of the company, yet from the very fact that they ask power to make these regulations, one of which might be to connect every man with the fund, and another to bar the company from liability in case of accident, it is a matter of very little difference whether the contribution is small or large, or whether they put in the whole of the money or part of the money, they have no right to oppose the reasonable amendments we ask for, especially in view of the past history of the company in connection with this question. I must retain the position that I took when addressing the House before, that the responsibility of this legislation be it good or bad, must rest on the shoulders of the government and every member of the Senate has some degree of responsibility for the vote he is to give if disastrous consequences should arise and difficulty should come up in the administration of this fund. The government is more responsible than any one else, because, under our constitution, whether legislation is private or otherwise, the government is responsible in a certain sense for all legislation passing through parliament, and after their attention has been called to this measure

they will have to take a serious responsibility in conection with it. They discharged their duty manfully in connection with the Intercolonial Railway; they did their duty fully in 1904. To their infinite credit they took a suggestion, although it came from a member of the opposition, and amended the Act of 1904 with the very best intentions of declaring the same policy that is contained in both amendments before the House. This year they passed the pension Bill for the Intercolonial Railway, and made strict and strong provision against themselves and their successors, so that there shall be no mistake there. Why do they not go further and say it is a good policy that we have adopted and we ask the Grand Trunk Railway Company to submit to that same policy, not as a reflection on them, because it can be no reflection on them to ask them to accept a provision which the government imposed on itself. I will say this to the acting premier, that the amendment submitted to the House by the hon. member from St. Boniface is exactly the provision that is found in the Intercolonial Railway Pensions Bill of this year, with just such modifications as are necessary in order to make it applicable to the company, reading in place of 'His Majesty' 'the company,' and if my hon. friend the leader of the House, or those who represent the Grand Trunk Railway Company are willing to accept that amendment I will withdraw mine. Either of them would be effective, and there is this to be said in favour of the amendment proposed by the hon. gentleman from St. Boniface, that it would be uniform legislation. The Intercolonial Railway Bill would have furnished a precedent for future legislation in the event of any other corporation coming to parliament for authority to establish a pension fund, and to establish regulations respecting it. If there is a disposition to do that, I shall ask leave of the House to withdraw my amendment and to allow the amendment of the hon. member from St. Boniface to be adopted instead. Of course, if not, the matter will have to be proceeded with and the vote taken first on the amendment of the hon. member from St. Boniface.

Hon. Mr. CLORAN—The demonstration of the fact I laid before the House last night is complete—there is a doubt with regard to this Bill. There are several hon. senators who have been conscientiously speaking on this Bill for two days, half on one side and half on the other, and when I put the question to the hon. leader of the opposition if he would guarantee that no such difference of opinion would exist among the judges, he would not take the responsibility of saying yes or no. Is he here in the interest of lawyers to bring cases before the court to have them interpreted? Is he here in the interest of unnecessary litigation? I am a lawyer, and I am not here for that purpose. I am here to make laws as plain as they can be made, so that he who runs may read; and it will not be necessary to go to a lawyer to have them explained. Every citizen of this country should have the same right as a lawyer to understand the laws that govern him. With regard to the subamendment I felt, after the debate of yesterday, that further light ought to be thrown on the subject, and I made it my business to consult the Minister of Justice, not with a view to persuading him that I am right or wrong, but to get his opinion in regard to this amendment. I went to him with the Bill and the amendment, and asked if that clause meant what we said it meant. He had to read it two or three times before he could come to the conclusion that there might be a doubt. As to himself I guess his mind was made up that there was no doubt, but as to others he said 'no.' Then what is to be done Make it clear and plain. To-day I had occasion also to see the Minister of Justice and he did not take the same view as the hon. leader of the opposition, who said that we should submit to the House of Commons or to other members who think because the Railway Committee have decided the matter the Bill should pass the Senate without amendment. The hon. minister, in the presence of other cabinet ministers, said it was for the Senate to take the responsibility of the decision of this matter. We are not here subject to what the House of Commons has willed. Members of that Chamber came to me and said, 'Kill the Bill; we knew nothing of its passage through the House.' So there are divisions of opinion in both Houses. With such doubt in the mat-

ter, why not make it plain? I am in favour of the Bill. As I said last night, nobody went further than I did in congratulating the company on the establishment of a pension fund. I said it was Christian, charitable and generous, and an Act that might well be followed by other companies and employers. The hon. gentleman from South Wellington said, 'Are we to suspect the honesty of purpose and the intentions of the managers of the Grand Trunk Railway Company?' No, I do not wish to suspect them, but we all know that corporations have no soul; that when they obtained the legislation whereby a pension fund was established in 1874 and 1878, parliament gave them no right, directly or indirectly, to pass a by-law forcing their men to waive their legal and civil rights; but they did it and that condition of things existed nearly thirty years until overruled by the Privy Council on a case applicable only in the province of Quebec. I do not wish to challenge the honesty of purpose of the company, but, as has been well said by other senators, the men who understand the situation to-day may not be in the control of the company to-morrow. We cannot tell what class of men may eventually get control of the system, and manipulate that fund, not in the interests of the men, but in the interests of the company. That is what we want to guard against. There is not an hon. gentleman here to-day who would want to vote for the Bill if he thought a by-law to that effect would be passed under it. All we want to do is to prevent either the company or its employees from entering into an arrangement of that kind, and then there would be no appeals to the court to decide what we ought to decide here to-day. Now, since the Minister of Justice himself is not opposed to the amendment and says it lies in the hands of the Senate to decide his question irrespective of the action of the House of Commons, why not take the matter from that point of view in the interests of all and prevent the company doing wrong, or the employee doing wrong to his widow or orphans, if either he or the company wanted to do it. There is the whole question. It does not destroy the Bill to add a few words to the clause of the Intercolonial Railway Act, or to add the words suggested by the hon. gentleman from Kingston in the seventh clause. That is that all by-laws passed by the said company shall not in any way interfere with the legal or civil or natural rights of the employees. That is a very easy thing. It will not destroy the purport of the Bill. It will not make it any heavier and will not cost any more to print it. Under these circumstances, and under the advice and opinion of the Minister of Justice, I will support the amendment which he sanctioned in my presence last night.

Hon. Mr. FERGUSON—I am willing to accept the amendment proposed by the hon. gentleman from St. Bonifice.

The House divided on the subamendment which was lost on the following division:

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The amendment was declared lost on the same division.

The motion for the third reading was carried, and the Bill was then read a third time and passed.

## HAMILTON RADIAL ELECTRIC COMPANY.

### THIRD READING.

Hon. Mr. YOUNG (in the absence of Hon. Mr. Gibson) moved the third reading of Bill (MM) An Act respecting the Hamilton

Radial Electric Railway Company.—(Hon. Mr. Gibson.)

Hon. Mr. KERR—I move that the said Bill be not now read a third time, but that the same should be amended by adding the following to section 1 thereof :

And all rights, privileges and immunities which the company has heretofore been entitled to under its Act of incorporation and amendments thereof not inconsistent with this Act are hereby continued and confirmed.

There is a slight difference in this from the wording given by the hon. gentleman from Lincoln in his notice. The words 'And otherwise,' are struck out and the following words inserted in their place : 'And not inconsistent with this Act.'

Hon. Mr. POWER—I object to this amendment. I object to the Bill in toto, but I object to this amendment at the start. This is a case where the parliament of Canada undertakes to take over a corporation which has been constituted by the provincial legislature of Ontario. That is the original Bill. There are certain advantages, I suppose, in getting an incorporation from the parliament of Canada, instead of from the provincial legislature; and I think that the company might have been satisfied with those advantages ; but they want to add more. They want not only to take over the corporation, but they want, as shown in the amendment moved by the hon. gentleman from Toronto, under their Dominion Act of incorporation, all rights, privileges and immunities which the company has heretofore been entitled to under its provincial Act of incorporation and amendments thereof, not inconsistent with this Act. Of course, no legislation giving privileges to this company would be inconsistent with this Act. They want to take over everything which the provincial legislature in any shape or way has given to them; and I am opposed to that action. Then look at the Bill substantially. Here is a company which, as I understand it, is carrying on the business of a street railway in the city of Hamilton, and which has lines of electrical railway running out from Hamilton in different directions. I suppose it must have, because it is called a radial railway. There may be some question as to a steam railway company, inasmuch as it may be questionable whether it is a practical policy to say that any steam railway does not come under the jurisdiction or should not come under the jurisdiction of this parliament ; but when we come to deal with electric railways and street railways, I think there is no difference of opinion. The almost unanimous feeling is that those roads should be under the jurisdiction of the provincial legislature, and should not come to parliament. It is true that there is a paragraph in this Bill to the effect that the company propose to build a road to Niagara, and they also take power to build to Windsor. I do not wish to be uncharitable, but I am very much of the opinion that these powers are asked for the purpose of bringing this company under the jurisdiction of this parliament. Whatever might be the case with a steam railway, this is purely a provincial undertaking that we should not deal with here. I know there has been a good deal of feeling in Ontario about it, and there has been, I think, some more or less—well, not complimentary language applied to this House in Toronto, in connection with this Bill. I am not influenced by that fact at all. I think that any criticism that is bestowed on us by a provincial legislature or by the friends of provincial legislatures should not influence us, but I have come to the conclusion, without being influenced by any company or person with regard to this measure, that it is not one that I should support. I shall vote against the amendment.

Hon. Mr. KERR—It is quite true that this company was incorporated originally as an electric road, but by subsequent legislation power was given to operate it with steam. It is perfectly true that its original incorporation was limited as to the length of its operation as a radial road, but by the subsequent amendments which are referred to in the clause that I have just drawn, its powers, both as a steam and an electric road, were extended very much by addition to its line, and by the Bill which is before us authority is given to extend it to the Niagara river on the one side from its terminus as it would be under the Acts that have been already granted ; and to extend it further to the Detroit river on the other side, making it practically a trunk

road—I mean a large and extensive railway, and with power to be operated by steam or electricity just as any of the existing trunk lines are now authorized to be operated. So that it stands on a par, as far as its condition is concerned as a railway, and as we have it by the Bill which is presented here, precisely as any railway existing already authorized to be operated by steam or electricity, and as a road of very great dimension to be constructed and operated through a very large section of the province of Ontario and one where more railways are needed and where it will be built with advantage to the public. Then we have the fact that it is a road that was incorporated by the provincial legislature. This very session we passed half a dozen Bills at least, in which we have granted powers to railways which were incorporated by the province of Quebec, and have given to them, as is done in this case, an extension of line, which extends them over a greater length and greater area, so that for every reason on which any legislation has been adopted in this House before, it should be followed in this case. So far as the company is concerned, there is this to be said about it, that from the day it was incorporated; from the time that it was authorized as it was in its original Act of incorporation, to cross Dominion lands, the railway has become by virtue of the Act of 1883 and the Revised Statutes of 1888, a Dominion railway entirely under the legislative authority of this parliament.

Hon. Mr. LANDRY—For the crossing only.

Hon. Mr. KERR—No, for the railway itself. I will read the section so that there may be no misapprehension. It is perfectly true that the section of the Act to which I refer has been amended since, and that in our Revised Statutes in such a case it would apply only to the railway crossing, but under the Acts of 1883 and 1886 each such railway—that is the language of the Act—that is each railway which crosses any line of railway already under the jurisdiction of the Dominion, is a work for the general advantage of Canada. The Act of 1883 reads as follows:—

Whereas, it is, in and by the British North America Act, 1867, among other things in effect enacted, that the exclusive legislative authority of the parliament of Canada extends to such local works and undertakings as, although wholly situate within a province, are before or after their execution declared for the general advantage of Canada, or are for the advantage of two or more provinces, and whereas not only the main line of the Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and Northwestern Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway and the Canadian Pacific Railway, but also all branch lines or railways connecting or crossing with them or any of them, are works and each of them is a work for the general advantage of Canada; and whereas for the better and more uniform government of all such works, and for the greater safety, convenience and advantage of the public it is desirable that parliament should so declare; therefore, it is hereby declared that the said lines of railway, namely, the Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and Northwestern Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway are works for the general advantage of Canada and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railways, or any of them, is a work for the general advantage of Canada.

Hon. Mr. POWER—At the time the Act was passed did that include street railways?

Hon. Mr. KERR—This is not a street railway. It always has been an electric railway radiating from the city of Hamilton in many directions.

Hon. Mr. POWER—Has it not been built on the roadway?

Hon. Mr. KERR—In part it has and in part it has not. In part, it owns its own road-bed. The Grand Trunk Railway itself passes through three streets coming through Hamilton. The roads from Dundas pass along the main street of Hamilton and the Grand Trunk Railway, in Toronto, passes along Esplanade street and many others.

Hon. Mr. LANDRY—Do you contend that this law made that road a federal one?

Hon. Mr. KERR—I say as far as this road is concerned, it has been determined that it is under the exclusive legislative jurisdiction of this parliament, and that is the result of the decision of Mr. Justice Street, a judge whose opinion will be recognized as being one of distinct authority. The case of the Grand Trunk Railway versus the Hamilton Radial Railway, 29 Ontario Reports, page 145, where the

question was brought up expressly as to whether this road was one which had the right to cross a railway, and that depended entirely on where the legislative authority was. Mr. Justice Street in that case said:—

The defendants are incorporated by 57 Victoria, chapter 88, Ontario, to construct a line of railway crossing the plaintiff's line of railway at Burlington, but are forbidden by section 19 to cross or intersect the line of any railway operated by steam, at grade. Proposing, however, as they do, to cross the plaintiff's line, they are brought within the legislative authority of the parliament of Canada by sections 306 and 307 of the Dominion Railway Act of 1888, 51 Victoria, chapter 29, and by section 4 of the same Act the provisions with regard to crossings are made specially applicable to them.

And his opinion was, and it was argued there, that notwithstanding the repeal of that Act—and the fact that the present Railway Act was then in force, he held that the road continued to be under the legislative authority of the Dominion of Canada. And the company claims that by virtue of the British North America Act there was no power to remove it under any other jurisdiction. This is a large and important work, not a small street railway at all, not a railway operated as such, local in its character and operation, but one standing on a par with any other line of railway through Canada, and one which has been determined by judicial authority to be within the jurisdiction of the parliament of Canada. We have the legislative authority and we have the judgment, and I think there should be no difficulty in asking parliament to assent to the passing of the Bill.

The amendment was adopted. The Bill was then read a third time and passed.

It being six o'clock, the Speaker left the Chair.

## After Recess.

### THIRD READING.

Bill (EEE) An Act for the relief of Arthur Leon McPherson.—(Hon. Mr. Perley.)

Bill (60) An Act to regulate the exportation of electric power and certain liquids and gases.—(Hon. Mr. Scott.)

Bill (72) An Act respecting the Canadian Northern Ontario Railway Company, as amended.—(Hon. Mr. Jones.)

### JUVENILE DELINQUENTS BILL.

#### SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (FFF) An Act respecting Juvenile Delinquents.

Hon. Mr. SCOTT said : This Bill has been introduced for the purpose of eliciting opinions upon it, and not with any view of bringing it into operation during the present session. The Bill has not been distributed, and I therefore move that the order be discharged, and that it be placed on the orders for Thursday next.

Hon. Mr. LOUGHEED—Does my hon. friend intend to refer the Bill to a Committee of the Whole House ?

Hon. Mr. SCOTT—I think it would be well to elicit opinions from different quarters, and wherever the Bill can be best considered is where it should be discussed.

The motion was agreed to.

### THE RULES OF THE HOUSE.

#### DEBATE CONTINUED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Power :

That the four rules following be inserted after rule 31, that is to say :

Any substantive motion which has been adopted by the Senate, other than a motion relating to a Bill, may be reconsidered at the next sitting of the Senate: provided, that notice of the proposed reconsideration is given during the sitting of the Senate at which such motion is adopted. Such notice may be given at any time during such sitting.

The motion to reconsider must be moved after 'notices' and 'inquiries,' and before 'motions' on the next sitting day, unless postponed to some certain time by leave of the Senate.

When a motion for reconsideration is decided, that decision shall not be reconsidered ; and no question shall be twice reconsidered.

An order, resolution or other vote of the Senate, not being a motion for a stage of a Bill, may be rescinded; but no such order, resolution or other vote shall be rescinded during the same session, unless seven days' notice be given and at least one-half of the whole number of senators vote in favour of its rescission: provided that, to correct irregularities or mistakes, one day's notice only shall be sufficient.

3. That the following be inserted after rule 102 : A public document quoted from by a minister of the Crown may be ordered by the Senate to be forthwith laid upon the table ; unless it is stated by the minister to be of such a nature that its production would be inconsistent with the public interest.

4. That the changes in the numbering of certain rules, made appropriate by the foregoing additions, be duly made.—Hon. Mr. Lougheed.

The SPEAKER—The motion which is before the Senate contains four clauses relating to three different matters. If it is the desire of any hon. member that these matters should be voted upon separately they can be the subject of three motions instead of one.

Hon. Mr. FERGUSON—I spoke with the impression that we were not dealing with the matter contained in the last motion. I thought we were dealing with the question of reconsideration and rescission only, I think it is very proper that they should be divided and treated separately.

The SPEAKER—We shall take the motion before the House to be limited to the first three clauses.

Hon. Mr. LOUGHEED—When I moved the adjournment of the debate, I had in view the discussion of the proposed amendments relating to reconsideration and rescission only. It was not my intention to address the House at length on the subject except to say that I recall during last session, when those rules were under consideration, that my view was that the rule then proposed for rescission was entirely unnecessary inasmuch as the same purpose could be effected by the rule dealing with the reconsideration of a subject, and I have seen no good ground to alter the opinion which I then entertained, and which I entertain now. Therefore, I would suggest to my hon. friend that he should give some consideration to the point which I then raised, and which I feel equally strong upon to-day, that the two would only lead to confusion, and that one would be quite sufficient. Under the rule dealing with a reconsideration of a matter, any subject can be as effectively dealt with by reconsideration as by rescission. I simply desire to indicate my opinion upon that line to the Senate, and to suggest that my hon. friend should withdraw his proposed amendment as to rescission, and rest entirely upon that of reconsideration.

Hon. Mr. POWER—I have no objection to take the course indicated by the hon. leader of the opposition.

Hon. Mr. LOUGHEED—My hon. friend from Marshfield has expressed a desire that the rule for rescission should remain instead of that for reconsideration. It is entirely immaterial to me. My opinion is that one or the other will answer the purpose.

Hon. Mr. FERGUSON—Rescission is the British practice, and the nearer we keep to that the better.

Hon. Mr. POWER—If I were to give up either, it would be the rule with respect to rescinding. Under our present practice we can rescind, but we have nothing in our present practice which offers the same advantages as the proposed rules with respect to reconsideration do. In a thin House on a Friday afternoon, where there are not one-fourth of the members present, an important action might be taken and there would be no means of undoing it the following Monday with a full House. I just take that as an illustration. Reconsideration is a very necessary and desirable thing. With respect to rescinding, while I have not changed my own opinion as to the desirability of the change, still you can rescind under the existing practice—the English practice.

The SPEAKER—The hon. member has expressed his willingness to drop the rule with respect to rescinding.

Hon. Mr. FERGUSON—I should like to hear the reasons for preferring reconsideration, to rescinding.

Hon. Mr. POWER—The subject was discussed at considerable length two years ago, and I also endeavoured to express my views on the subject a couple of days since when I made the motion. If something is done in a very thin House, or if a motion is adopted with very little consideration, a thing which sometimes happens even in this House, it is very important that a member, by giving notice on the spot, can have the House when it meets again reconsider its action and then finally dispose of the matter. When you decide to reconsider, you can either modify or rescind the motion which has been adopted, and that is a very much more important thing than the rescinding, which means a complete obliteration of the motion on a subsequent day. Under the English rule, you can rescind a resolution at any

part of the session by giving two days' notice and having the passage in the journals read and then vote to rescind or expunge.

Hon. Mr. FERGUSON—I have no objection.

Hon. Mr. DAVID—I favour reconsideration, but with some safeguard. What guarantee have we that when a resolution has been adopted by a full House it may not be reconsidered and changed in a thin House to-morrow ?

Hon. Mr. POWER—The notice of reconsideration will have to be given in the full House.

Hon. Mr. DAVID—But the members may not be present, and you may have a motion which was adopted in a full House reconsidered in a House of 20 or 30 members. This is the American system. In England there is no reconsideration. Experience has shown that public men in England know what they are doing. In America they have modified the system and accepted the principle of reconsideration, but with many restrictions and limitations, as you will see by looking at the rules of the different legislatures in the United States and almost everywhere on the continent. They have accepted the principle of reconsideration, but with certain safeguards. I have here Bourinot's hand book on public meetings, and I find on page 301 the rules of city councils in Canada relating to reconsideration. The rule in London, Ontario, is that any member who voted in the majority may at the same or at a subsequent meeting move for a reconsideration thereof. The same rule prevails in Hamilton as in London. In Kingston, a majority of the members present may pass a vote of reconsideration, but the subject cannot be reconsidered unless a majority of the whole council vote therefor.

These quotations illustrate what I have said, that the right to reconsider is restricted in such a way that a resolution adopted by a full House may not be reconsidered and reversed in a thin House. In Montreal city council we have reconsideration, but to carry a motion of reconsideration, two-thirds of the members of the council must approve. The hon. gentleman might amend the rule in some way to provide for either an absolute majority of the Senate, or some certain number ; otherwise you may have a resolution which was adopted by a full House reversed the next day in a thin House. I move that the following words be added after 's'tting of the Senate' —' Provided the reconsideration is adopted by an absolute majority of the members of the Senate.'

Hon. Mr. BERNIER—Of all the members of the Senate present?

Hon. Mr. DAVID—The whole Senate.

Hon. Mr. POWER—You would never get a reconsideration that way.

Hon. Mr. FERGUSON—I think we might take the motion as it stands.

Hon. Mr. POWER—I may say that I should feel it my duty to drop the rule altogether if that amendment were adopted, because it would be practically rendering the rule nugatory. We rarely have a majority of the House here.

Hon. Mr. YOUNG—When we are reducing the Senate to the level of ordinary councils, it is only reasonable we should take ordinary precautions which the councils take, and while my hon. friend asks merely for half the number of the Senate voting in favour of it, yet in the very procedure it is suggested that we should adopt, as high as two-thirds of the body in some cases as necessary before a matter can be reconsidered. So that when we are getting down to that level, for consistency's sake let us have at least the safeguard which the level requires, and we are taking the minimum, practically, when my hon. friend suggests only half, when in many councils they insist upon two-thirds of the members of the body voting in favour of a reconsideration before a matter can be reconsidered. Here we have a proposition without any safeguard at all, and while my hon. friend from Halifax has given us a picture of a full House passing a resolution and a thin House rescinding it he must see that the rule works both ways, and he will find that he is opening the door and making a departure from a safe principle.

Hon. Mr. SULLIVAN—Does he not give notice of reconsideration ?

Hon. Mr. POWER—Yes.

Hon. Mr. YOUNG—Supposing I give notice in the thin House we have now for to-morrow—this is not a full House, and I give notice at a late hour to-night that I am going to ask the House to reconsider a thing to-morrow, how are the members to know ?

Hon. Mr. SULLIVAN—How are they to know anything ? It is their business to attend.

Hon. Mr. YOUNG—Are they expecting or looking for it ? We have committee meetings in the morning, and members are busy all forenoon, and the first thing they know of it perhaps, is when they come into the Chamber and find the motion has been carried, and then the door is locked completely, because the question cannot be reconsidered twice. I think the good sense of this House will rely on the time-honoured and well-tried British practice and leave the rules as they are. We threshed this matter out with a full House and came to a decision, and I ask any hon. member if this House has been in the slightest degree inconvenienced since or before by the fact that our rules are based on rules adopted and followed by the British practice. Not once. Yet we are asked to make a departure, to come down, without any disrespect, to the minor body, to the lower level of a municipal council and adopt rules without the safeguards that are found in the minor governing bodies throughout the land. I do not think the Senate will entertain it—at least I hope they will not entertain it——

Hon. Mr. ELLIS—In the first place, I object to my hon. friend's observation that we are coming down to a lower level.

Hon. Mr. YOUNG—I said without disrespect to the minor body.

Hon. Mr. ELLIS—After all, the elective institutions of this kind are perhaps superior to the appointed institutions of this country ; but I do not wish to draw that comparison. My hon. friend is illogical, I think. He says we should not come down to the level of those bodies ; then he proposes that if we carried the amendment at all we should have such an amendment made according to the nature of some of these bodies, as will not be satisfied with an ordinary majority of the Senate, but will require two-thirds majority to do a certain thing.

Hon. Mr. YOUNG—I did not say that at all.

Hon. Mr. ELLIS—My hon. friend did say so in the commencement of his speech, but he did not say it at the close.

Hon. Mr. YOUNG—I may not have made myself clear. I said that the hon. senator for Mille Iles proposed a bare majority, which was objected to by the hon. gentleman from Halifax on the ground that it was unworkable, and I called the attention of the House to the fact that in the lesser or minor bodies of councils, in which this practice was permitted, that they even required as high as a two-thirds vote of the body in favour of a reconsideration. I was pointing out that while the hon. gentleman from Halifax objected to a bare majority being required, that in these minor bodies they went even further, and required two-thirds. As I said before, I am not speaking of them with any disrespect at all, and I think my hon. friend from St. John will do me the justice to say that when I spoke of minor bodies I spoke of them as being smaller in numbers, and dealing in matters of less importance, as a rule, than the questions that come before us.

Hon. Mr. ELLIS—I wanted merely to make the observation that it never seems to me to be correct or fair that the majority who are present should be controlled by the majority who may be absent. The gentlemen who come here and attend to business from day to day are the persons who should control the action of the assembly, although I do not say that there might not be special cases when it would be desirable to have a majority vote of the whole body ; but the provision to reconsider is a reasonable, proper and fair consideration in any society or organization of men who are charged with deliberations of any kind, because it may be that, under certain circumstances which I need not at all enter upon as an illustration, because they are with-

in the scope of every man's knowledge, there might be times when it would be advisable to reconsider what has been done and to change the action of the previous day by a more considerate action founded upon observations of what has taken place, or founded upon a knowledge of what would follow from what might take place. I think the Senate might very well agree to that. Although I have seconded the motion of my hon. friend for the whole, I do not discuss the propriety of a form of rescission, for I concur in his idea to drop that part; but I do not think the Senate might very fairly and properly agree to a proposition to reconsider a motion, due regard being had to notifying every member of the Senate. The fact that the notice may be given in a small House, is not of so much importance, because we do not stand so much upon rules as we do upon the order paper itself. Every member consults the order paper and knows what is coming up, and he is guided in his actions in regard to how he shall vote, by what is on the order paper before him. I just say that in support of the proposition I make. I would point out that the hon. gentleman from Mille Iles has not placed his amendment in the proper place, because the first paragraph of the motion provides for the form of giving the notice. It should come at the end of the second paragraph.

Hon. Mr. SULLIVAN—This Senate has been in existence forty years, and the experience of the past should be a proper guide as to what would be proper for the future. I never heard of there being any hasty decision or a necessity for reconsideration, or that there was any trouble about our decisions. The Senate is advised of its business by the order paper, and every one can see it.

Hon. Mr. BERNIER—It seems to me that a rule providing for a majority of the whole body to reconsider a decision would be equivalent to having no reconsideration at all. Supposing an hon. gentleman had given notice for a reconsideration to-day, you could not get a majority to-night and the whole matter would be dropped.

Hon. Sir MACKENZIE BOWELL—Would the Speaker kindly inform the House what it is proposed to leave out by the substitution of that amendment ?

The SPEAKER—The hon. gentleman made his motion covering the whole of the second clause, which left to be proposed the third and fourth.

Hon. Mr. POWER—The rescission has been dropped.

The SPEAKER—He has now limited his motion to the first clause covering the reconsideration only.

Hon. Sir MACKENZIE BOWELL—By an absolute majority.

The SPEAKER—He has now limited as printed. The motion to rescind will be dropped when we have disposed of the present matter. The hon. gentleman from Mille Iles has moved an amendment that a motion for reconsideration should only be adopted if carried by an absolute majority of the whole House.

Hon. Mr. DAVID—I think the remarks of the hon. gentleman from St. John are right, that the amendment would be in a more appropriate place at the end of the second paragraph.

Hon. Mr. FERGUSON—In my opinion the procedure by reconsideration is illogical. The motion to reconsider does not mean to reverse. It only means the opening of the door. That is all it means. It would be a very regular way however to give a notice to reconsider, and then we could use the English practice if we wanted to reverse or to modify. We could then use it, but I really think, with the hon. gentleman from Halifax, that we would be almost as well without any rule at all as to have a rule that would require a majority of the whole House to consent to the opening of the door for a reconsideration. I think it will be found in practice that it would be almost impossible to do it in that way, but I apprehend that although we have this notice of reconsideration, that does not make any rule that would debar us from using the British practice for rescinding. The British practice for rescinding would still remain. There is a strong logical difference between the two things, and the British rule would still remain, and

were it not for that, an amendment such as the hon. gentleman from Mille Iles suggests would make our laws like those of the Medes and Persians, so that they could not be altered at all. That is what it practically would be, but I think in adopting the motion for reconsideration we would still have the easier practice of the British parliament of rescinding available, which would be the only method by which we could take up a motion a second time and reverse our action, because we could never do it if it was obligatory to have a majority of the members of the whole House present. I noticed in some of the United States parliamentary manuals that nearly all of them have this reconsidering method. They require that no man can move a motion of reconsideration who had voted in the minority, and it seemed to be a logical rule. One who has voted in the minority cannot move for a reconsideration, but one who has voted in the majority can, showing that there is a change of opinion on the part of somebody.

Hon. Mr. LOUGHEED—Or that he has been bought up.

Hon. Mr. FERGUSON—That he made a mistake, which many men would be quite liable to make; therefore a right to move a reconsideration is only given to those in the majority, which shows that they wanted to reverse their action.

Hon. Mr. WOOD—The object of the amendment which has been moved appears to me to avoid the possible danger, I do not think it is a probable danger, of a resolution being adopted with a full attendance of senators in a large House, and some hon. member at the close of the sitting giving a notice that he will move a reconsideration on the following day, and that reconsideration being taken up and possibly carried when there was a very small attendance, thus a small number of senators reversing the decision of a larger number on the day previous.

Hon. Mr. DAVID—That is the point.

Hon. Mr. WOOD—That is the object of the amendment. If there is really such danger to be apprehended, it appears desirable that there should be some precaution taken to prevent an occurrence of that kind, and I think that the objections which have been urged to the proposition of the hon. member are met with this answer: that if the amendment which is proposed is adopted that, of course, could not occur; a reconsideration can only be had when there is a larger attendance of senators than there was when the original proposition was adopted. For instance, suppose a resolution is adopted on Thursday, and that on the understanding that there was unimportant business for Friday, a large number of senators, as frequently happens, leave on Thursday evening, not expecting to be here on the Friday session. Some one on that session gives notice of a reconsideration for Friday, and in a very small House, by a majority vote, carries that reconsideration. That would be an undesirable thing to happen. Now if this amendment is adopted, what will be the effect? On a Friday there would not be a majority here to vote for that—that is one-half of the whole Senate, and as a necessary result, those who were present in the Senate with that small number present would postpone the consideration of the reconsideration until a future day, when there would be a large number of senators present. It does not appear to me that any harm would result from adopting the motion which is proposed, and it might be a means of avoiding the difficulty which the hon. gentleman has in view.

Hon. Sir MACKENZIE BOWELL—I am opposed to the motion altogether, and I think the rule as it stands, is quite sufficient for the purpose of legislation in this Senate. It has been the practice under our rules for a great many years, and I do not see any reason why we should depart from it; but if we are to have a vote, I shall vote for the amendment which has been proposed, and I do so for the reason that I think it would render the Bill absolutely nugatory if it were not adopted.

Hon. Mr. POWER—Objection has been taken to the fact that a House, not larger than one in which the original vote was passed, may rescind or reconsider their vote and set it aside, and that has been

held to be a very serious objection, particularly by the hon. gentleman from Killarney. That hon. gentleman, and some other hon. gentlemen who are opposed to this measure, are all in favour of the British practice. The British practice allows the vote to be rescinded by a bare majority of the members present in the House. There is no qualification as to a majority of all the members of the House being present, but a bare majority of the House can, on two days' notice, rescind any resolution passed by the House. Hon. gentlemen should not be unfair in dealing with this matter. They should not uphold this alleged British practice as being so far superior to the practice proposed here. The truth is, with respect to the British practice, that the English parliament apparently started with the idea that once a thing was decided it was decided for good and all. In the course of time it was found that that was impracticable. It involved absurdities and difficulties which had to be got over, and then this practice was introduced of reading the journals and then moving that a certain resolution be rescinded or expunged.

Hon Mr. DeBOUCHERVILLE—Could the hon. gentleman tell us when that new law was passed ?

Hon. Mr. POWER—I cannot tell when the practice was introduced, but I think it was about two hundred and fifty years ago. The old rule laid down that when a resolution was adopted by the House of Commons that was an end of it. It was supposed not to go any further; but it was found in practice that that would not work. The hon. gentleman has laid special stress on the fact that this practice was used in city councils, and with respect to the councils, he said it was very often a two-thirds vote that was required. Hon. gentlemen must see how totally different the case of a city council is from the case of the Senate. In a town council the members all live within a radius of a mile or two of the place where the meetings are held. Taking my own city, the total number of aldermen is 18, and two-thirds of that is 12. As a rule, there is no difficulty in getting two-thirds of the town council together. There is a larger proportion than that present; but hon. gentlemen know very well, as the hon. gentleman from Belleville has said, the requirement that a majority of the members of this House shall vote for a reconsideration practically means that there shall be no reconsideration. It is true that this practice prevails in town councils, city councils and county councils, because it has been found a valuable one to follow. But the hon. gentleman forgot to mention also, that it prevails in every legislature of the United States from the congress at Washington down to the legislature of the newest state which has been admitted to the union; and you may say what you please about the United States, but there is no country in the world in which parliamentary practice has been carried to a higher degree of perfection than in that country. Any hon. gentleman who has gone into a United States legislative body and seen the manner in which the business is transacted there cannot have come away without a strong feeling of admiration for the skill and ability with which they do their legislative business. It is true, in some cases there is that requirement spoken of by the hon. gentleman from Marshfield—the notice must be given by one of the majority, but that is not the general rule. In some cases they have that provision. The rules here are taken chiefly from the Massachusetts legislature, which is one of the most conservative, and at the same time one of the most up to date legislatures in the United States. I repeat that, inasmuch as I do not wish to see the body of the rules burdened with a thing which is perfectly nugatory and useless, if the amendment is carried, I shall ask the House not to adopt this particular rule.

The Senate divided on the amendment which was rejected, contents 15, non-contents 18.

Hon. Mr. CLORAN—I would suggest to take the British practice for our guidance in this matter, and instead of having reconsideration at the next sitting that two full days notice of a reconsideration be required. The matter has been pretty well thrashed out, but if at twelve o'clock there are fifteen or twenty members in the House, and notice is given that the recon-

sideration will take place at the morning sitting next day—and it sometimes happens that the Senate has three sittings in a day—then a majority of the members will have no opportunity to know that reconsideration will take place, so, under these circumstances, as a matter of fair-play which the hon. member has at heart in carrying out the object of the rules, he should accept the amendment and not try to secure reconsideration by too sharp a practice.

Hon. Mr. FERGUSON—Too short a notice, you mean.

Hon. Mr. CLORAN—It is the same thing. The practice of sharp lawyers is to give short notice. If a Bill is to be reconsidered, it should not be at a time when the members will not attend. The British practice is to give two days' notice.

Hon. Mr. POWER—That is to rescind ?

Hon. Mr. CLORAN—If the hon. gentleman's idea is simply to give an opportunity to talk the matter over again, then an hour's notice would suffice ; but as I understand it, reconsideration gives the power not only to discuss but to change or amend the Bill in any direction. If that is the case, the hon. gentleman should not ask parliament to adopt a rule whereby a small minority can control the destinies of the House, and of its legislation. He ought to accept the British practice, and provide for two days' notice of reconsideration of a motion whereby that motion can be rescinded or amended. If he says that reconsideration will not involve rescission or amendment of the measure, it is immaterial how short the notice may be ; but if there is to be rescission or amendment, the members of the House should be given a chance to be present. I therefore move that the rule be amended to provide that two days' notice of reconsideration be given.

Hon. Mr. POWER—I am afraid that amendment as worded by the hon. gentleman would hardly fit in.

Hon. Mr. CLORAN—Then fit the idea as the hon. gentleman thinks proper.

Hon. Mr. POWER—The hon. gentleman wants to adapt the British practice to a practice of our own, which they have not in England at all. I call his attention to the fact that under the British system you could not reconsider at all. The objection was taken to reconsidering, that in the first place it hindered the action of the Senate from being final, and would unduly postpone the action of the House going into effect ; consequently the shortest possible notice which would give a fair chance of reconsideration was best. If a resolution were passed here this evening for the adoption of a report of the Internal Economy Committee, and I gave notice of reconsideration, it would not be desirable that that question should be kept hanging for several days. It is desirable that it should be settled at the earliest possible date consistent with the matter having fair consideration. No one, as far as I am aware, when the matter was discussed before, objected to the notice as being too short. It would be objectionable to keep the action of the Senate in suspense for any length of time, and the general rule is that a matter must be reconsidered at the next meeting of the body where the recommendation takes place. That is the wisest rule, and certainly the most convenient.

Hon. Mr. LANDRY—Will the hon. gentleman tell us the distinction he draws between reconsideration and rescission?

Hon. Mr CLORAN—That is what I want to know ?

Hon. Mr. POWER—There is a very great difference. We will suppose that a resolution is adopted by the Senate this evening, proposing that the Senate should take certain action with respect to old age pensions. The hon. gentleman from Killarney moves this resolution. It is adopted and I give notice of reconsideration. The matter comes up to-morrow. The effect of reconsidering is that the question is left just where it was before the resolution which is to be reconsidered was adopted. It does not mean that the House is going to completely rescind that resolution ; it leaves the subject open, and it is open to the Senate to amend the resolution of the hon. gentleman from Killarney in any way he pleases or pass a different resolution, but it does not follow that it is to be rescinded entirely. The ground is cleared away and things are left where they were before the resolution was

carried. You can modify the resolution as you please. In one way you do rescind, but it is done at a time when no serious inconvenience arises.

Hon. Mr. LANDRY—We rescind, but we call that reconsideration.

Hon. Mr. YOUNG—That just shows what sort of a muddle we would get into. If the House has a right to consider, what benefit is that right unless in its second judgment, if it differs, it has the right of rescinding or amending or may be confirming its judgment of the day before? Therefore, you have included in this practically, to my mind, rescission at short notice, and with the door absolutely locked, because you cannot again consider the question, let the decision be against the will of the majority as much as it possibly can be. When the hon. senator from Stadacona asked the meaning of reconsideration, my hon. friend said it was reopening the questions and giving the House an opportunity to arrive at any conclusion it likes, anything the majority may decide.

Hon. Mr. FERGUSON—If I were of opinion that reconsideration logically gives the House power to reverse or rescind its previous action, I would certainly agree with the hon. member for Victoria that we ought to have two days' notice; but I contend it will not logically give you that right at all. It only opens the door, unless you go further and say so in your rule. If this rule is adopted as it is now, I wish it to be distinctly understood that that is the sense in which I hold it. I give notice that I hold it means just an opening of the door, and that notice will have to be given then to rescind, according to the British practice, and I shall invite the decision of the Chair on it some day before long as to what it means. The rescinding proposed here would be so difficult you would have to give several days notice and have all the members present, and it would be practically impossible to do it. My sober conclusion is the same as that which I arrived at last year: you will find in the tenth edition of May, pages 286, 287 and 288, the British practice, and I think it would be good enough for all our cases. It would be better for us to fall back on that and work on it than be bothering with rules. You will find a great variety of cases cited here.

Hon Sir MACKENZIE BOWELL—I must confess I cannot take the same logical view of it that my hon. friend from Marshfield does. His position is wholly illogical if I understand the meaning of reconsideration. It is simply as explained, not so fully as perhaps I would like to have it explained, by the hon. senator from Halifax. If you carry a motion to reconsider what you have already affirmed, it simply opens the door, leaving the question precisely as it was before you passed the affirmative motion, and the logical conclusion of that is that once you have opened the door for reconsideration you can reaffirm the action you had taken or you can amend or rescind it. There is no necessity for any notice of motion after you once have carried the motion for reconsideration, because the moment you decide to reconsider you are in precisely the same position as you were before you passed the resolution. I do not think the Speaker will have much trouble in coming to a decision when an appeal is made to him on the questions. It is only as the hon. member from Killarney said making the confusion greater and there are so many opinions on the subject that we had better leave the rule as it is.

Hon. Mr. FERGUSON—I agree that when the reconsideration is carried, it puts the House in the same position it occupied before adopting the original motion; but in the position the House at that time was it could not proceed without notice. You give notice to reconsider, and when you reconsider you may have something sprung on you of which you had no notice at all. Is that logical? That is not the position you were in before you first took action, because then you had notice. A motion to reconsider that did not imply what action would be taken, would be a motion to do something without notice. However, it will be time enough for us to split hairs over this matter when we reach it, if the rule is passed as proposed, and which I think it would be better not to pass at all.

Hon. Mr. KERR—Let us leave the rule as it is and work it out, and if a difficulty arises we can deal with it then.

Hon. Mr. POWER—I do not think the amendment is an improvement, but as it does no particular harm I am prepared to accept it.

The Senate divided on the amendment, which was rejected, contents 15, non-contents, 20.

The members being called in, the Senate divided on the main motion which was rejected by the following vote:

Contents:

Hon. Messrs.

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| Coffey, | Lovitt, |
| Comeau, | Macdonald (Victoria), |
| Davis, | McMullen, |
| Domville, | Scott, |
| Ellis, | Sullivan, and |
| Jaffray, | Tessier.—16. |
| Lougheed, | |

Non-Contents:

Hon. Messrs.

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|---|---|
| Beith, | Kerr, |
| Boucherville, de | Landry, |
| Bowell | McMillan, |
| (Sir Mackenzie), | Ross (Moosejaw), |
| Carling (Sir John), | Ross (Halifax), |
| Cloran, | Watson, |
| David, | Wilson, |
| Dessaulles, | Wood, |
| Ferguson, | Yeo, and |
| Fiset, | Young.—20. |
| Gibson, | |

On the third motion:

3. That the following be inserted after rule 102: A public document quoted from by a minister of the Crown may be ordered by the Senate to be forthwith laid upon the table; unless it is stated by the minister to be of such a nature that its production would be inconsistent with the public interest.

Hon. Mr. POWER—This does not alter the practice at all, but it puts it in the rules and makes it clear. I am not at all keen about it. If the House think it better to stick to the old practice I have no objection, but I think it should appear in our rules for the information of members.

Hon. Mr. DeBOUCHERVILLE—The members should be convened to consider this.

Hon. Sir MACKENZIE BOWELL—This proposed amendment of the rules is, to my mind, infinitely worse and more objectionable than the one we have just voted down. The practice has been in the past that when a question arises and a public document is asked for, the minister may say, 'I cannot produce that because it is not in the public interest that it should be made public at the present moment.' Occasions very often arise in which negotiations are pending with foreign countries or questions may be the subject of correspondence with the imperial government, and it is not advisable that the full text of the correspondence should be disclosed. This proposed rule would give the minister power to quote such portions of a document as would suit his particular purpose, when, if the whole facts were laid before the Senate, it might change the minds of nine-tenths of those who heard them. The minister, under those circumstances, should have no right to quote from a public document without laying the full text of it before the Senate. He is quite justified in rising and saying, 'I cannot produce the document'; but to permit him to quote a portion of it might mislead the House. It may be said that no minister would be dishonest enough to quote a portion of a document only. I am not prepared to say that any minister would, but the principle is wrong, and the temptation to do a thing of that kind should not be offered, no matter what government is in power. Advantage might be taken of such a rule to mislead the House. Some of us have not that confidence in ministers that we should have, and therefore, this proposed amendment to the rules should not be adopted. The hon. member from Killarney, when addressing the House the other day on this subject, paid the hon. gentleman from Halifax a deserved compliment on his industry and the assiduity with which he had applied his mind to the framing of these rules. I would add another quality which he possesses, and that is perseverance and a determination never to surrender. I have come to the conclusion that he has been reading the siege of Derry, and has adopted the motto of the prentice boys—'no surrender.' We have it exhibited on almost every occasion. Two or three years ago when this question was considered by the committee, he urged it with all the pertinacity that he possessed. Not satisfied with that, when it came to the House he did the same thing. He was defeated by a very large majority for the reasons I have mentioned. Two years have rolled round, and no surrender crops up again, and he is trying to enforce his views. That is a com-

mendable characteristic for any one to possess, but those who differ from him on that subject should be just as persistent in adhering to the opposite view. To my mind it is a dangerous power to place in the hands of any minister. If you lay down the doctrine that a minister may quote from a public document without laying it on the table, the same privilege should be accorded to a private member who is supposed to be actuated by the same high principles as a minister. These are my reasons for objecting to this amendment and I think upon reflection as to the abuse that might arise from the adoption of this rule, it should be rejected. We have felt no necessity for it in the past. If a minister desires to read from a public document to sustain his position I have no objection, but if he takes the responsibility of doing so, let him lay the document on the table so that all may see what it contains. If, however, the Senate think it advisable to give a minister that privilege, let the same privilege be extended to every senator.

Hon. Mr. POWER—With the permission of the House I ask leave to withdraw this rule.

The rule was withdrawn.

## YUKON ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (109) An Act to amend the Yukon Act.

He said: The object of this Bill is to allow the Governor in Council from time to time to appoint an acting commissioner in the Yukon, and it confirms the validity of past appointments. The Yukon is a long way off, and not very long ago the commissioner wandered down to Ottawa, and while here he resigned. The commissionership has not been filled, and the comptroller, Mr. Lithgow, has been appointed temporarily in his place, no addition being made to his salary.

Hon. Mr. MACDONALD (B.C.)—No doubt this Bill has been rendered necessary by the number of vacancies and resignations in the Yukon. What the cause of these vacancies and resignations is I do not know, but there must be some reason for it, and perhaps the Hon. Mr. Ross, who has been in that country, will tell us the reason why. There have been five commissioners in that country, and there must be some reasons for so many resignations. Whether they are not well enough paid, or it is the climate, or whether they have filled their pockets with gold I do not know, but we will agree that the government of the Yukon has been most unsatisfactory. The revenue at one time was very large. The government charged at that time a royalty of ten per cent, and now the revenue is very small, and the royalty is only two and a half per cent. A small royalty would be all right if the gold and products of that country came into Canada, but it is a notorious fact that nearly all the gold, or a great part of the gold in that country, has gone to build up the rival town of Seattle in the United States. No effort has been made by either the provincial or federal government to retain the gold in the country by having assay offices and buying the gold to keep it there; whereas on the other side they have these assay offices and all the gold is absorbed and people find a ready market for it. It would be in the interests of the Dominion that this Yukon district should be attached to one of the provinces, I do not say British Columbia but it might be attached to Alberta. It would then be governed much more economically and more directly. It is well known that in British Columbia the mining regulations have been extremely well administered. They have been adapted to the country; the miners never found fault with them, and everything has gone on smoothly for years. The Yukon joins British Columbia at the mining district of Atlin, and it would be a matter of economy and good government if the government were to hand that country over to British Columbia, and let them carry on their mining under British Columbia regulations. A great change is going to take place in the Yukon. Wealthy United States capitalists are now buying out all the interests in that country. The Guggenheims, millionaires of New York, are in and their agents are buying everything in that country. Whether that will be a benefit to the Dominion or not I do not know, but I would ask the government to consider

the smallness of the royalty. Two and a half cents is not enough. If the product remained in our own country it might be enough, but that is not the case. The gold goes to a foreign country, and it would be a wise precaution to take to make the royalty sufficient to pay the expenses of the country, and I hope the hon. Secretary of State may consider that suggestion. I know that ministers have Bills placed in their hands, and they do not consider them very much and pass them as a matter of routine, but there are questions that people know of that ought to be taken into serious consideration.

Hon. Mr. FERGUSON—I was going to refer to section 2 of the Bill, which I notice is necessary to validate some things which have been done in connection with the office of commissioner some time in the past. I presume that has been during the past three months. We are aware that the commissioner, Mr. McInnes, resigned and came down here, and after taking instructions from the government he went to British Columbia to take part in the general elections there, with the results which we all know. It appears, however, that the filling of his place was not legal, and that all that has been done consequently has to be made valid by an Act of parliament. The clause reads as follows :—

2. The validity of any appointment of an acting commissioner heretofore made by the Governor in Council or the Minister of the Interior, or of any instructions heretofore given by the Governor in Council or the Minister of the Interior to any person to act as or for the commissioner during his absence, illness or other disability, shall not be called in question on the ground that there was no authority in law to make such appointment or give such instructions at the time such appointment was made or such instructions were given.

Really considering the broadness of this clause it must be that everything nearly that has been done in the Yukon for the last three months has been illegal. It is most extraordinary that political exigencies should be so great that the government should put themselves and the affairs of the Yukon in such a position.

Hon. Mr. LOUGHEED—Can my hon. friend explain with reference to this clause validating what has been done by the acting commissioner whether any claim has been made upon the government on account of this section ?

Hon. Mr. SCOTT—No, I have not heard of anything at all.

Hon. Mr. LOUGHEED—Does the hon. gentleman know in what way the attention of the government has been directed to the fact of the validating these Acts being required.

Hon. Mr. SCOTT—Because the duties usually discharged by the commissioner had to be carried on during this interragnum, and it was only proper and right that they should be validated. I know of nothing that has happened prejudicial in any way to the public interest that necessitated this. But it is only proper that whatever has been done, assumed to be properly done, should be confirmed. Mr. Lithgow, the comptroller up there, has a great deal of power outside the position of acting commissioner.

Hon. Mr. LOUGHEED—Can my hon. friend say that the probabilities are of a commissioner being appointed at an early date, now that Mr. Ralph Smith, the member for Nanaimo, has announced through the press that he refused to accept the office. The government should at once be at liberty to make the appointment.

Hon. Mr. SCOTT—I think the appointment will be made before the end of the month.

Hon. Mr. FERGUSON—I hope the government did not experience any difficulty in paying the salary of an acting commissioner during this time.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—Would that be illegal also if that were done ?

Hon. Mr. SCOTT—Mr. Lithgow is an official of the government, and he is discharging a double duty. In regard to the observations of the hon. gentleman from Victoria, there is a good deal of force in what he said. It seems to be obvious that the Yukon ought to be able at least to pay the expenses, which it is not at the present time. I have no doubt that the action in reducing the royalty to the figure at which it now stands was unwise. I always thought so.

It seems to me a concession that ought not to have been made, and I shall be glad to bring it to the attention of my colleagues.

Hon. Mr. LOUGHEED—Does my hon. friend know if British Columbia has indicated any desire to extend its boundaries northwesterly so as to include the Yukon?

Hon. Mr. SCOTT—I do not think so. I have heard nothing in that direction.

The motion was agreed to, and the Bill was read a second time.

## IMMIGRATION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (143) An Act to amend the Immigration Act. He said: The Act has been found from experience to require enlargement. The first provision is in regard to stowaways. Frequently stowaways are found on vessels and under the law there was no way of sending them back. This Bill enables the Minister of the Interior to have stowaways deported just as he would other objectionable persons. The Bill also enlarges the powers for deporting objectionable immigrants who have come into Canada. Those are the principal features of the Bill. The provision in regard to stowaways is, first, a definition and then the authority that is given to a minister to compel the vessel that brought him to Canada to take him back to the country from which he came.

Hon. Mr. ELLIS—I observe that there is rather a heavy and serious charge imposed upon the municipality, although the immigrants are brought in for the benefit of the whole country. The policy of supporting them itself might be questioned, but then if they have failed as citizens in any particular place why should the burden of returning them be thrown on the municipality? Why should the city of Winnipeg or the city of St. John or Victoria be compelled to pay for the return passage of those people, when they are innocent with regard to the matter? They are brought here by the government in the operations of the department for the general purposes of the country. It does not seem to me to be fair.

Hon. Mr. MACDONALD (B.C.)—The hon. Secretary of State is a humane gentleman, and I appeal to him on the score of humanity in regard to allowing immigrants to leave the old country in the middle of winter, to come out here badly clad and fed and housed, housed like cattle in large immigrant sheds at a great expense to the country. That is one of the things that ought to be stopped. The Secretary of State will remember that last year I called attention to the fact. It is the greatest cruelty that these people should be brought out here. They do not know where they are going, and when they are herded together in this way no doubt that is a cause of immorality and vice. I will not refer to the remarks made by a member of the other House the other day, because it would be out of order, but the House was informed that there were thousands of immigrants stalled in banks of snow with no shelter but what third-class cars gave them, and the fuel and food is scant. Such conditions should be taken into consideration by the government, and the immigration agents in England should not be allowed to induce men to leave their homes at this time of the year. Look at the cruelty of poor men coming into this country with a few dollars in their pocket and, perhaps, having disease in the eye or in the body, they are deported. After they have disposed of their little effects they are turned back from our shores with empty pockets and without friends. I cannot find words enough to express my idea of the cruelty of such a policy. An immigrant leaves England. He is a strong, lusty fellow. He is not guilty of any crime. He is put into an immigrant shed for three or four months. There he contracts vice. Perhaps he has been guilty of theft, and at the end of two years he is taken out of the penitentiary and sent back to Europe, to Germany or Belgium or some other country. It is a monstrous thing. If that man had been left at home he might have been an honest man, but conditions made him dishonest and immoral. I do not think the Act is workable. You cannot ascertain the steamers that brought these men out. The shipping agents are not going to give the information. Men do not wish to be dumped

on the shores of a new country with nothing in their pocket, no employment, no food. I hope the hon. Secretary of State will not press this Bill now, but will call the attention of his colleagues to this matter. Suppose Great Britain or Germany or any other country said : ' We will not have those men ; they cannot land here. They have been deported as convicts taken from the penitentiary.' Why, it is monstrous. Supposing convicts from the prisons of England landed on Canadian shores, the whole country would be in arms. Formerly the English convicts went to Australia, but the Australians objected; they would not have them and they do not go there now. They are kept in England. They were honest people when they left, and they became dishonest or immoral in this country, and it is improper for us to deport them. The great cruelty, however, is allowing them to come out in midwinter, and I hope the government will consider that. I have no party object in view in presenting this matter, and it is for the benefit of the country that I am urging it on the notice of the government.

Hon. Mr. SCOTT—No doubt it is extremely regrettable that vast herds of immigrants should be leaving Europe for Canada in the month of February, but the government cannot control it. Once the movement sets in, the people are ready to come. Steamboat agents, who are not under the control of the government, encourage it. What is the government to do? We cannot say that any of our immigration agents are responsible for the bringing of people into Canada at too early a period. We all recognize the difficulty. Of course, it is extremely regrettable this year on account of the lateness of the winter and spring. In reference to the criminal class, it is quite patent that in many parts of Europe they get rid of their criminals by sending them to Canada. Surely we should be in a position to deport them. They are deported by thousands from the United States. We do not deport them to the extent of one-twentieth of the deportation in the States. We are very much more considerate than they are, and it is only where the men become pronounced criminals that they are deported. Of course, we have perhaps 150,000 men—this year upwards of 500,000—coming into Canada, and there must be grievances, and there must be terrible mistakes. Men come here who ought not to have come, who are not fitted for the conditions that exist here, so that we have to make proper allowances. It is impossible that everything can be run smoothly, and that only such people as are adapted for the conditions here should come. You do not find any trouble with men coming from the United States ; they understand the conditions which exist here, and they adopt the habits necessary to make themselves comfortable in Canada. It is only those unfortunate immigrants coming from Europe—the British Isles, Germany and Scandinavia—who find the conditions here so entirely different from those in their native country that they suffer, no doubt, very, very severely, particularly those who come at this period of the year. I shall be glad to call the attention of the Minister of the Interior to it to see if it can be stopped in any way. It has been repeated every year, and this year they came in February, which is earlier than usual.

Hon. Mr. MACDONALD (B.C.)—Is it not possible to have an Act passed to prevent ships carrying immigrants at certain periods of the year ?

Hon. Mr. SCOTT—No, you cannot do it.

Hon. Mr. MACDONALD (B.C.)—Supposing the immigrants from the United States become convicts, would they be sent back to the United States ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. MACDONALD (B.C.)—Supposing they would not have them?

Hon. Mr. FERGUSON—The section proposed to be substituted for section 33 appears to be a very strong section, and, to my mind, goes very far. I do not know how far we went in the section we are repealing, but it seems to me two years is a very long time, and that we should scarcely take the right to ourselves to deport a man after so long a period as two years from his arrival in the country, merely for the fact for instance that he might have to take advantage of the hospital. Of course, I notice that it is at the discretion of the minister.

A person who would become ultimately an excellent citizen might become injured or broken down in health within the two years and might be obliged, as a stranger in the country, without family or friends, to go to the hospital.

Hon. Mr. SCOTT—There is no change in the law in that respect. The section of the Act provides that in such cases they shall be deported.

The motion was agreed to, and the Bill was read a second time.

SECOND READING.

Bill (134) An Act respecting the Duties of Customs.—(Hon. Mr. Scott.)

EXCHANGE OF LANDS ACT.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole House on Bill (114) An Act to authorize the Exchange of certain lands.

(In the Committee.)

Hon. Mr. LOUGHEED—My hon. friend was to ascertain, if possible, whether any price had been agreed upon for the lands in question.

Hon. Mr. SCOTT—The lands in question are, I understand, about 66 miles from Winnipeg. They are not agricultural lands, but are what are called rock. One of them, lot 29, is flooded. The price paid for the 640 acres in lot 11, is $10 per acre ; for lot No. 29, which is under water, altogether, the amount is five cents per acre per year. They pay a perpetual rental on the flooded land.

Hon. Mr. GIBSON, from the committee, reported the Bill without amendment.

The Senate adjourned until Three o'clock to-morrow.

## SENATE.

OTTAWA, Wednesday, April 10, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AMENDMENT OF DOMINION ELECTION LAWS.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) inquired:

Is it the intention of the government this year to amend the law regulating the election of members to serve in the parliament of the Dominion?

He said: It may be too late in the session to call attention to this very important subject, but I feel certain that hon. ministers on the floor of this House, and all members of this Chamber, desire clean and honest elections, something which we have not had for some time. I do not intend to dwell at all on the scandals which have been developed throughout the country recently, but I would advise the government, and I hope they will at an early day, take steps to have the most stringent law passed so as, if possible, to close all the loopholes by which corruption and dishonesty are at present practiced. I think the first step towards honest elections would be the abolition of the ballot system. The ballot system invites deception, corruption and dishonesty. No doubt about that. A voter can take money from one candidate and promise him his vote and then vote for another candidate, so that the system leads to downright dishonesty. Then the courts of law should deal more strictly with controverted election cases. Candidates should be compelled to answer every question relevant to the charges, whether they be elected or defeated. There are a number of things which the acumen of gentlemen of the legal profession would discover, with which I am not now going to deal ; but I think every one in this House will admit the necessity of something being done before long to secure honest and pure elections. Candidates should be bound as to the number of agents they have, and to the money that has been spent, and poll clerks and returning officers should be sworn, and they ought to give security for honest and proper behaviour. I trust the government will promise, if not this session, at least before long, to introduce a measure dealing with this matter.

Hon. Mr. SCOTT—A committee was appointed this session in the House of Commons to consider what changes could be made in the election law. I think they had several sittings, but as it was not intended there should be a general election before another session, it was dropped. No doubt the subject will be brought up next session. My experience is this ; that we have a very good ballot now, but unless you have honest

men to administer the law, of course, forgery and fraud will occur. That is the only thing you have to fight against. If you can only get honest men to administer the Act, you can have fair-play and honest election; but the most essential part is that the instruments must be fair, just and honest.

Hon. Mr. LANDRY—I understood the hon. gentleman to say that there will not be an election this year ?

Hon. Mr. SCOTT—No, not this year. The subject was referred to a joint committee of both sides of the House, and I think they had one or two sittings, but nothing came of it practically. When it was understood that no election would be held before another session, the matter was dropped.

Hon. Mr. LANDRY—If the Governor General chooses to exercise the royal prerogative and dissolve parliament, what would become of the understanding ?

Hon. Mr. SCOTT—We would have to use the best of materials at or hands. It is all we could do.

Hon. Mr. FERGUSON—Did I understand the hon. leader of the House to say that it was the intention of the government to bring down a Bill at the next session of parliament to deal with this question ?

Hon. Mr. SCOTT—I did not say so positively ; but I think the opinion expressed on both sides of the House was that material changes might be made with advantage in the election law, and it was in contemplation to have a Bill presented this session; but the matter was dropped and nothing was brought down this year.

Hon. Mr. FERGUSON—Have we a reasonable assurance that it is the intention of the government to deal with the matter next year ?

Hon. Mr. SCOTT—I can only express my own individual wish that it will be.

Hon. Mr. FERGUSON—There should be no hesitation in giving an assurance on that point.

## THE KING'S REGULATIONS.

### INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is there a consolidation of the regulations concerning the militia of Canada and known under the name of The King's Regulations and Orders for the Militia of Canada ?
2. Has it been adopted, and by whom ?
3. Have these regulations been published, or will they be soon ?
4. Is there a French version of these regulations ?
5. Has it been published, or will it be published soon?
6. Will the officers of the militia be put in possession of these regulations before the next annual training ?

Hon. Mr. SCOTT—The answer to the first question is, yes. King's regulations and orders for the militia of Canada, 1904.

Hon. Mr. LANDRY—It was made in 1904, but since that time there have been voluminous amendments ?

Hon. Mr. SCOTT—I understand from the deputy minister that they were now being codified and printed.

Hon. Mr. LANDRY—Under the same head—1904 ?

Hon. Mr. SCOTT—Yes. They have been approved by His Excellency the Governor General in Council, and promulgated in the 'Canada Gazette.' These regulations have been published and there is a French version which has been published. Copies have been issued to those authorized to receive them.

Hon. Mr. LANDRY—I think that really is playing a game.

Hon. Mr. SCOTT—As I am not very familiar with those matters, I shall ask the deputy minister to see my hon. friend and explain to him the real position, if there is any mystery about it.

Hon. Mr. LANDRY—As the hon. gentleman is acting Minister of Militia, I want to bring to his notice the following facts : In 1904, militia regulations were made. Since 1904 every year there have been amendments to the regulations, and lately there has been an English edition of the consolidation of those regulations, including all the changes since 1904, and striking out of the King's regulations all that pertains to military pay. This is not published yet. I know it is printed, and has been distributed to some people for their approval ; but the French version has not yet been printed, and when I am told that it has been printed since 1904, and published in the 'Gazette' and that it has been

translated and distributed to the officers, they are speaking nonsense.

Hon. Mr. SCOTT—I shall be very glad to look into it and get the information for the hon. gentleman.

## PROTECTION OF LOCAL JURISDICTION.

### MOTION.

The Order of the Day being called :

By the Hon. Mr. David :

That he will move that it is expedient to resolve that :

1. The Senate will insist upon the application of section 92 of the British North America Act, 1867, in accordance with the spirit and true intent of that section, to the end that the exclusive powers of the legislatures of the provinces of Canada may be protected and preserved.

2. The Senate will not consider the mere insertion in a Bill of a declaration that a work is for the general advantage of Canada to be in itself sufficient foundation for the exercise of the legislative authority of the parliament of Canada.

3. The Senate will not pass any Bill containing a declaration that a local work or undertaking is for the general advantage of Canada or for the advantage of two or more of the provinces, unless the truth of that declaration has been proved.

4. The Senate will not consider the presence in a Bill of a clause relating to subjects within the legislative authority of the parliament of Canada to be in itself sufficient reason for the enactment of other clauses relating to subjects not within that authority.

Hon. Mr. DAVID—My resolution having been postponed many times, and being convinced that I do not interfere with the work of the House, I think proper to put my resolutions to-day before the Senate with a very short speech of about ten minutes. It is fortunate for the Senate that I am obliged to speak in English ; if I were to speak in French perhaps I would be longer. I would have preferred to move my resolutions after having obtained copies of the correspondence which I thought had taken place between the provincial government and the federal government, but so far I have been unable to get any such correspondence. We have been informed of the views taken on that question by the provincial government of Ontario. They have expressed their views in a very energetic way, especially when they went so far as to say that all the powers which have been granted by the provincial legislature to a person or to a company would be abrogated if that person or company applied to the federal parliament for further powers. There are some who consider that those views are perhaps a little aggressive, and perhaps also unconstitutional, but whether constitutional, aggressive or not, it makes no difference ; I think that they reflect considerably the public feeling not only in the province of Ontario, but also in all the other provinces. And they justify to a certain extent the predictions of those who were opposed to confederation, and who contended, and have always contended, that the invasion of the provincial domain by federal legislation would be sooner or later a source of trouble. I have hopes that by my efforts I may induce some of the hon. members of this House, and also some of those who have high positions in provincial legislatures, to throw light on this question. There is no doubt that the framers of our constitution were divided upon the question of federal and provincial legislation, and there is no doubt that while Sir John and his friends were coasting near the rock of legislative union, Sir George Cartier and his friends were sailing close to the shores of confederation. There was a marked divergency of views on the question. There is no doubt the distribution of power between the federal and provincial legislatures has been done with a great deal of care, and that those powers are defined pretty well by sections 91 and 92 of the British North America Act ; but the authors of confederation have introduced in that federal Act two very important clauses which were destined to be a cause of trouble. They enacted that the federal parliament would be invested with all the rights and powers which were not attributed specially to the provincial legislatures, and that parliament would have the right to assume jurisdiction over all the works which were declared to be in the general interests of Canada. No doubt they were influenced more or less by the example of the United States. They were influenced by the depression caused by the terrible war which had taken place a few years before between the north and south. The report of the conference which took place in Halifax, shows that they wanted to avoid the same difficulties by establishing the supremacy of the federal parliament. The application of the clauses of the Act delimiting

the powers which were given to the federal and provincial legislatures, respectively, have given rise to all kinds of interpretations and decisions by the courts of justice and by parliament. I do not want to go over the whole of the battle field where Sir Oliver Mowat fought so gallantly for provincial rights and won so many brilliant victories; but I want to call the attention of the House especially to the effect of the subsections (a) (b) (c), of section 8, especially subsection (c) which gives power to parliament to assume jurisdiction over works which parliament may declare to be in the general interest of Canada. I have always contended, and will contend as long as I am in this House, that this clause is very dangerous, and that it is not sufficient merely to insert such a declaration in a Bill, to give jurisdiction to this parliament; that the declaration must be confirmed by facts, must be proved. It is not sufficient merely to say that a work is in the general interest of Canada; it must be proved that it is so.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DAVID—Otherwise that declaration would be the means of bringing under federal jurisdiction all the works which are situate in or constructed in a province. The effect of that declaration would be to wreck provincial rights, and to convert the Dominion into legislative union. In order to give a sound interpretation to section 92 of the federal Act, to subsection 10, and paragraphs (a), (b) and (c), we must consider them together. We must first read with a good deal of care, section 10, which declares that a work situated in the province shall be within the jurisdiction of the provincial legislature, and then come the exceptions (a), (b) and (c). Those paragraphs must be construed as exceptions in such a way as not to break or destroy the general rule, and to make the exception the principal rule. That was the view which was entertained by Hon. Mr. Mills, who was a member of this House and leader of this Senate at one time. A discussion took place exactly on the same subject in the House of Commons, and I call attention to the views expressed by the Hon. Mr. Mills, which were the views also of many other statesmen and advocates. He said:

> It seems to me that we greatly abuse the provisions of the 92nd section of the British North America Act, subsection 10 of which authorizes us to declare that certain works are for the benefit of Canada, and that by such a declaration we may bring them within our jurisdiction. I confess that although this parliament has for some years, at all events since 1883, committed itself to the principle of making every work or undertaking which it chooses to declare to be for the benefit of Canada, a work coming under the jurisdiction of Canada. I must say that I think that is a misinterpretation of subsection 10 of the Act.... It seems to me that you are obliged to give such a construction to subsection 10 of section 92 that there will be something left under the jurisdiction of the local legislatures; for it is obvious to any one who will reflect for a moment that the assumption upon which we have been proceeding for the past eight years is an assumption which places no limitation upon our powers in reference to local works and undertakings. Now, is that a true construction of this Act? Was it intended to be so construed? I do not think so. There are certain classes of work here mentioned in subsections (a), (b) and (c), and it appears to me that the rule, ejusdem generis, applies to the whole. Not to those mentioned in section (a) alone or in section (b) alone, or in section (c) alone, but to the whole of these subsections taken together. If that is so, then I think that all these tributary railways that are situated within the limit of any province are under the exclusive jurisdiction of that province, and cannot be brought under the exclusive jurisdiction of this parliament by a simple declaration on our part.

If hon. gentlemen will compare Mr. Mills' speech with the resolutions that are before the House, they will see that they are about the same. Since the Hon. Mr. Mills expressed those views, the federal wave has continued to invade the provincial domain, and to infringe upon provincial rights to a great extent. This is a very complicated question, and I admit that it is very difficult to avoid making some error in discussing it. The greater difficulty is with regard to the railways, and why? Well, because when promoters of railways want to have a charter they naturally apply to this parliament; they think—and I admit with good reason—that a federal charter will be more valuable to them than a provincial charter in the financial world. That is exactly the reason that is given to us many times when we have considered such appeals. They come here with very good reasons, and they succeed in convincing members of the Senate that they are right, and that their project is to the general interest of Canada. When a man is intelligent, as the promoters of these railways generally are, it is easy to show that an enterprise is in the general advantage of Canada. The consequence is

that after having obtained the powers which they wanted to get from the federal parliament, for what they call the main line, they come back with Bills loaded with branch lines, connection, traffic clauses and so on, and they obtain their incorporation from the federal parliament, and the federal parliament gives them power to build those branch lines because those branches and the main line form the one system, and members of parliament and members of the Senate, myself included,—I do not pretend to be without fault in this respect, because man is weak—grant them these powers because they are too easily convinced that the interest of the country requires it. But I contend that all these declarations about the connections and through traffic, &c., must be considered with care, must be proved conclusively and corroborated by facts. It is exactly the position taken by the courts of justice in many cases, and especially in a case which is reported in Mr. Clements' work a page 274, Clements' Canadian Constitution, second edition. The citation reads as follows:

> It appears to me that the connection between the two provinces required by clause (a) is a real and physical one and not a mere paper one created by a charter, the works under which may never extend to the limits of the single province in which they are begun or may never be begun at all. The word 'undertakings' would be satisfied by the actual operation of a line of steamships, leaving the word 'works' to the other objects mentioned or referred to in the section. And it is to be borne in mind that any inconveniences which might otherwise arise under this construction could always be avoided by a declaration in a Dominion charter that the words contemplated by it were for the general benefit of Canada.
>
> A provincial legislature was held by the New Brunswick Supreme Court to be entitled to legislate with respect to a provincial railway running only to the boundaries of the province, such railway being a local work and undertaking within this class No. 10, although, as appeared by the facts of that case, legislation had been procured in the state of Maine incorporating an American company to build a railway in that state to connect with the provincial railway in question.

So that you see, hon. gentlemen, it is not sufficient to say that a railway will connect or will amalgamate with another railway, or will go beyond the boundaries of the province, but it must be proved and well proved, that it is true, and the courts of justice went so far as to say that although the facts had been established, that in the state of Maine, a United States company had built a railway to connect with a certain railway it was not considered sufficient. Hon. gentlemen must not forget that the Railway Act has been amended, and that the Railway Act as contained in the Revised Statutes, vol. I, section 8, has settled that question of connection. It has been settled in such a way that although formerly it was considered sufficient that the connection was to take place to make the whole railway a federal railway and bring it under the jurisdiction of parliament, in virtue of section 8, that has been changed, and it has been changed by the Senate itself.

Among the good things which the Senate has done, it has done this. Section 8 provides that every railway, whether federal of provincial, steam or electric or tramway, the construction or operation of which is authorized by a special Act of the legislature of any province and which connects with or crosses or may hereafter connect or cross any railway within the legislative authority of parliament, although not declared by parliament to be a work for the general advantage of Canada, shall be subject to the Act 'in so far as concerns the said connection or crossing.' Therefore I say when railway promoters intend to connect with or cross a federal railway, they need not come before this parliament to obtain the power which they think necessary for that purpose, because the law acts automatically. When a railway connects or crosses a federal railway it fails under the jurisdiction of the federal parliament as regards that connection or crossing. But section 8 further says that through traffic on a railway or tramway and all matters pertaining thereto, also come under federal jurisdiction. So not only does this clause apply to the connection and crossing, but it applies also to the through traffic; therefore the proprietors of a railway in a province need not come before this parliament to obtain the rights they think necessary relating to through traffic. Under section 8 the railway falls within the federal jurisdiction, not only as regards the crossing and connecting there with a federal railway, but also with reference to through traffic. A document has been circulated among the members of this House relating to a Bill

which created a good deal of interest in the Senate. The object of the circular is to show that the Dominion parliament, by the Act of 1883, has declared that branch lines of certain railways therein specified had been declared to be within the jurisdiction of the federal parliament the same as the main lines; but this statute applies only to the railways mentioned in the statute. But what difference does it make? That statute has been repealed by laws which have been passed since that time, and especially by the Revised Statutes, where the powers in connection with those branch lines have been well defined. Section 221 of the Railway Act provides:

> The company may for purposes of its undertaking construct, maintain and operate branch lines not exceeding in any case six miles in length from the main line of railway or from any branch thereof.

Then sections 284 and 285 also deal with the subject, and give power to the Railway Board to act in such cases, so that my conclusion is, that as regards the branch lines and crossings and connections, the law is very clear and gives jurisdiction to the federal parliament. Another objection which is very serious and deserves attention, is the question of double jurisdiction. Promoters of railways come before us and say, 'We have obtained a charter incorporating the main line; we want to have powers in connection with the branch line, as we do not wish to be under double jurisdiction, federal jurisdiction for the main line, and provincial jurisdiction for the branch lines. But, hon. gentlemen, the principle of double jurisdiction has been accepted by this House in section 8, which I have just cited, since that section declares that a provincial railway comes within the jurisdiction of the federal parliament as regards connections, crossings and through traffic. That means, consequently, that outside of the connections and crossing the railway remains provincial if it is in its nature provincial. From the citations which I have read, I draw the following conclusions: first, that when a railway is situated in a province the jurisdiction of the federal parliament is limited to the crossings and connections. Second, that when a branch line of railway, situated in a province, is more than six miles in length it remains under the jurisdiction of the local legislature; and third, the promoters of such railways must apply to the provincial legislature in order to get the powers which they require, if they want other powers which are within the jurisdiction of the parliament, they must apply to it. I am expressing not only my own opinion, but the opinions of great jurisconsults as related in Bourinot, page 715. He says, referring to a Bill to permit one Mr. Clements of Nova Scotia, and such other persons as might thereafter be associated with him, to be incorporated for the purpose of making dykes across two rivers in the province. The Premier and others took strong objections to the Bill on the ground that it was a matter properly within the jurisdiction of the legislature of Nova Scotia:—

> It was simply a Bill to enable a single person to dyke two rivers in Nova Scotia; and was so completely of a provincial character that the last clause provided that the consent of the marsh owners in writing should be deposited in the office of the Provincial Secretary of Nova Scotia. It would be a novelty in Dominion legislation, added the Prime Minister, if any single person could apply for a charter as a corporation to be formed of any parties whom he might subsequently induce to join him. All matters relating to the granting of lands reclaimed from the waters clearly fell under the head of property and civil rights which should be dealt with exclusively by the local legislatures. On the other hand, more than one speaker, including the Minister of Justice, thought there was some ground for the application to the general legislature since it had granted powers in other cases for the construction of works on navigable waters; but the difficulty appeared to be the fact that the main object of the proposed legislation was the obtaining of the possession of a large tract of land which would be reclaimed, but which parliament had no authority to convey. The proper course, no doubt, was, as suggested in debate, to obtain an Act of incorporation in the first instance from the local legislature, and then apply to the Dominion parliament for any additional powers that it could constitutionally grant.

I beg hon. gentlemen to remember this citation, which I think is very important and will enable us to decide many cases. On the occasion of another very important Bill different opinions were expressed by many members of the House. Bourinot refers to it as follows:

> In the session of 1883 a very instructive discussion took place on the question how far the general legislature may go in legislating in the case of companies already incorporated under provincial Acts. Among the Bills before the House was one to grant certain powers to the Acadia Power Company, already incorporated by special Acts of the province of Nova Scotia. The Bill asked for power to ex-

tend the business of the company throughout the Dominion; and, from the debate on the measure, it is evident that had its promoters been content with asking parliament to grant this general power, there would have been little objection to its passage, except from those who had doubts as to the right of the Dominion legislature to interfere in any way with local legislation (d). But the Bill went still further, since it contained provisions with respect to the capital stock and directors, which were a clear infringement of the powers of the provincial legislature which created the company. The following summary of the views of some of the principal speakers on the points at issue will show that there was unanimity of opinion as to the principles that should guide the House in similar cases.

Mr. Ouimet said that it was quite clear that corporations created by the local legislatures might come to the general parliament to have their powers extended; that is to say, to obtain powers, which could not be granted by the legislature of a province. For instance, the House had that session given power to the Credit Foncier Franco-Canadien (e) to impose certain charges of interest, which were not within the power of the provincial legislature. No doubt the parliament had power to create corporations whose operations would be general or federal, but in cases like the Bill under consideration it should only grant such powers as the legislature could not grant. Application should be made to the latter body for such powers as it could give.

I insist on those principles because we should apply them here in many cases, and, if they had been applied in the past, many Bills which are now on the statute-book would not have become law.

For my part I entertain not the slightest doubt that we can give increased powers to a corporation, although it may owe its existence to one of the local legislatures, just as we give powers to English and American companies. But we should stop there; we should not interfere with such details of the organization, as were wholly within the jurisdiction of that sovereignty which has created the corporation. The legislature which had in the first instance made provisions with respect to the capital stock, had it now in its power to increase the same on such terms and conditions as it might deem expedient; and it was clearly from that body alone such power should be sought.

I have not cited the views expressed by other members of the House, Sir John Macdonald, Mr. Weldon and others, which were about to the same effect. I may be asked, 'But what about the question of expediency? Do you not admit that in many cases which have come before us it has been more expedient very often to grant the legislation than to refuse it?' That is what has often embarrassed me. Frequently it appears more expedient to bring all those railways under the same jurisdiction; but, hon. gentlemen, expediency is not law. The constitution is there and expediency cannot prevail against the constitution. If the framers of our constitution had been influenced by the question of expediency they would have established a legislative union. Confederation was the result of a compromise between the partisans of legislative union and the partisans of provincial autonomy, and you must respect that compromise which is the foundation of our constitution, and which secures the wood working of that constitution. I admit that it is very difficult to draw the line at times between what is provincial and what is federal jurisdiction, and that is why there has been so much inconsistency in the decisions of the Senate and the House of Commons. I am not surprised that the Senate has been reproached with being inconsistent, but I contend that that inconsistency is more apparent than real, and I would here apply to the situation the remark that Macaulay once made respecting Lord Halifax. Speaking of that celebrated statesman Macaulay says:—

He was called inconsistent because the relative position in which he stood to the contending factions was perpetually varying. As well might the pole star be called inconsistent because it is sometimes to the west of the pointers.

Applying those words of Macaulay to the Senate, I would say that the apparent inconsistency, which is reproached to the Senate, was the result of the change of facts, of the situation. But I must admit that there are certain cases where it is difficult to explain the contradictory decisions. The question and the complaint are not new. Fifteen years ago Bourinot ascertained that the time had come when something should be done to put a stop to those contradictory decisions, and he suggested that a rule should be established.

But I must be frank and say that Bourinot made the remark that he was not sure that that would be the best way to decide such questions. He thinks they should be decided by the courts as far as possible. For my part I repeat what has been said by some of the most eminent statesmen of this country, that a rule should be established in order to put a stop to legislation which infringes on provincial rights, and I contend that the Senate should take the initiative.

Why? Because nobody can deny that the intention of the framers of the constitution was to make the Senate the protector of provincial rights. Clements in his work on the Canadian constitution, citing the words of Sir John Macdonald and some of the principal members of the time, says:

> By the fathers of confederation the Senate of Canada was announced as answering both purposes; as affording a check on hasty or ill digested legislation, and also as protecting local interests and the autonomy of the provinces. The attainment of the former purpose was supposed to be made secure by the mode of appointment, the life tenure of the senators being held out as a guarantee for independence in the exercise of their legislative duties; while the equal representation, in the Senate, of each of the distinctly differentiated portions of the Dominion would make that body the guardian of provincial rights, or at least of local, as distinct from general, interests.

The Senate has done much in that line. Section 8 of the Railway Act has been modified in such a way that now the jurisdiction of the federal parliament applies only to crossings and connections, in cases where before the fact of a railway connecting with a federal railway was sufficient to bring the whole under federal jurisdiction. For this protection the country is indebted to the Senate, and if the provincial governments and the municipalities are notified now by promoters of railways that they intend to make use of the general interest declaration it is due to the action of the Senate. Let me say here that I am surprised that they have not taken more advantage of that legislation which was designed to protect their rights. With the exception of the province of Ontario no province, and if I remember correctly no municipality, has made representations to the federal parliament when Bills affecting their rights were under consideration here, and, before blaming the federal parliament, and the Senate, those provincial governments and municipalities should first admit that they have sinned themselves and have not done what they should have done to protect their own rights. I must say also that I am surprised that in the conferences which have taken place lately between the representatives of the provincial governments and of the federal government there was no discussion of the question of provincial rights. The premiers representing the different provinces did not think proper to come to an agreement on this question with the federal government. It was the time and the place to show that the provinces were not indifferent to their rights. I am surprised also that in the discussions which have taken place in the legislature of the province of Ontario, the Senate alone has been blamed, and that because of one Bill only, because on the occasion of the introduction of a certain Bill the Senate did not do what the provincial government thought they should have done. They should have taken into consideration the fact that if there are a few cases in which the Senate did not do what they should have done, there are many others where the Senate refused to pass Bills coming from the House of Commons, rejecting some and amending others in order to protect provincial autonomy. My conclusion is that a rule should be established. The public and the promoters of railways should be informed that in future the Senate will be less inclined to assume jurisdiction in matters where provincial rights might be affected. That would be in the interest of the Senate and in the general interest of Canada. It is under the influence of that opinion that I have drafted the resolutions that are now before the House. I do not contend that they are perfect. They may be amended, but I think that these resolutions as framed are broad and liberal. They do not prohibit the use of the general interest declaration, but they will restrict and limit its application within reasonable bounds in accordance with the spirit of the constitution, and the intention of the framers of our constitution. They must be considered as a declaration of principle and as a warning. I am sure anyhow that they will give satisfaction to those who believe, like myself, that the best means of securing the welfare of our country and the good working of our constitution is to preserve its federal character and to protect provincial and municipal authority.

Hon. Mr. ROSS (Middlesex) moved the adjournment of the debate.

## CONGESTION OF TRAFFIC IN THE NORTHWEST.

Hon. Mr. LOUGLAS—Before the Orders of the Day are called, permit me in the interests of our common humanity to call the attention of this honourable House to

a special telegraphic despatch from Winnipeg to the 'Globe' office, Toronto, yesterday, in reference to the congestion of traffic on the Canadian Northern Railway. I feel especially interested in it, because a number of these people have been stranded in the country immediately north of where it is my privilege to reside. The despatch reads as follows :

Winnipeg, April 8.—Traffic congestion on the C. N. R., coupled with the blockades, has assumed a most serious phase, so serious indeed that it threatens to greatly retard and hamper immigration and settlement, if irreparable injury to the country is not done. The condition of affairs has been known here for some time, but has been kept quiet with the hope that the company would be able to cope with the situation when the spring opened. But, instead of improving, things have been rapidly going from bad to worse. To-day there are 178 cars of settlers' effects in the west yard here, where they have been for nearly a week, and the company is unable to move them out. It is a great hardship on the settlers, for in addition to being prevented from reaching their destination their expense for extra feed for animals is a severe tax on those of slender resources. Horses have died in the cars through confinement and lack of food, and the owners are powerless. These unfortunate newcomers are likely to be held here for at least another week.

To-day they met and decided to ask the Railway Commission to intervene, but before doing so sent a deputation, consisting of James A. Morrison, Campbellford, Ont.; Dr. Elliott, V. S., and J. T. Fleming of Huntsville, Ont., to interview the board of control and interest them in the condition of affairs. These gentlemen met the board by appointment, and General Manager Jones of the Canadian Northern Railway was also present.

Mr. James said his line had been blockaded west of Humboldt for five days and almost every siding between here and that point, hundreds of miles away, was filled with cars of settlers' effects, and those in the city yards were better off here than they otherwise would be. There was no place to send them, but he gave assurance that all would be sent to their destination as soon as possible. He also promised to relieve any hardships.

To-night messages from the west indicate that four trainloads are blockaded at Kamsack, and many of the settlers are without money. There are between 700 and 1,200 people in the party, and almost all without food. Another train has been held at Dauphin for twenty-four hours, and the passengers have been almost famished, while the company refused to handle telegraphic messages describing their condition or informing relatives of those on board of what was actually occurring.

My reason for bringing this question before this honourable House is that the government might make some pronouncement and inform the railway company that greater care must be exercised in knowing that their line is clear before they leave such points as Winnipeg, and that they must be fully assured that the passengers can reach their destinations. It is no small matter to land 1,200 people without any immediate notice upon the good wishes and kindness of our people in a small village, and as this government has provided protection for these people at various points, they should be retained, and detained in these places, the immigration houses, and at points where, if they have money, food can be procured and supplied, and our people, I am sure, are kindly enough in their nature to see that at certain points, through their own generosity, the wants of immigrants will be supplied. I hope that the Canadian Northern Railway will not be behind the other companies in their kindness and liberality. When the Canadian Pacific Railway find themselves in such circumstances that loss and delay is caused by the condition of the road, they do not hesitate to provide for their passengers and to maintain them until such time as they can pass them on to their destination. I hope that the government while they may not be able to do much, will not overlook this condition of things, and that they will, if possible, emphasize the importance of the Canadian Northern Railway exercising greater care in time to come.

Hon. Mr. FERGUSON—Is this blockade from snow ?

Hon. Mr. DOUGLAS—I suppose so. I do not know. It is not stated. I fancy it is perhaps more from the lack of motive power.

Hon. Mr. FERGUSON—It says they have been five days without any trains passing west of Humboldt.

Hon. Mr. DOUGLAS—Yes, it may be storms.

Hon. Mr. FERGUSON—It may be for both reasons.

Hon. Mr. SCOTT—Calamities of this kind often happen in other countries besides Canada, as we all know. In the first place it all arises from the immigration coming from Europe to Canada too early. In speaking to the Minister of the Interior to-day, he said he has always been opposed to it ; but the movement begins and people make a rush. Hon. gentlemen will have noticed

that steamships have applications for larger numbers of passengers than they can carry. What are you to do with the people on the other side insisting on coming into Canada? The notion has gone abroad that the lands are being taken up rapidly, and that the first that comes gets the advantage. Those blockades in the Northwest are unavoidable, and would occur under any conditions, even if they had superior locomotives to those they now possess. Blockades of that kind occur in older portions of Canada. I was stormbound for four days on one occasion coming from Toronto to Ottawa. The then leader of the opposition was on the train at the time. Fortunately we were in a country where roast beef could be had, and we made ourselves comfortable; besides that we made a raid on the express car and got all the oysters, eggs and luxuries that could be had without asking for them. We lived there like fighting cocks, I was going to say, but certainly in regal style. I issued a carte blanche for the whole neighbourhood, that the farmers were to roast all the beef they could and send into the car. A feast of that kind could not be procured in the newly settled portions of the Northwest. I further asked the Minister of the Interior, whether his officials at Winnipeg and other points had carte blanche to deal with cases of that kind as they arrived. I said, 'It is useless communicating with Ottawa.' I said that the persons on the spot ought to have discretion and judgment to deal with such cases whenever they arose. He said, 'They have the fullest authority, and if any complaint is made that immediate action is not taken, I am prepared to act vigorously.' So that everything that could be done has been done. The hon. gentleman made a suggestion which I think is worthy of further consideration, and that is to communicate with the management of the various railways that they should not allow trains to be sent out when they know that a storm is impending, or that there is likely to be a blockade. I know that is very often done, even in the older portions of Canada. Trains leave at a particular hour, and go ten or twenty miles out and there they stick. That should not be allowed. They can always foretell when a snow blockade is likely to occur. The weather probabilities advise us of what is likely to happen in the way of snow storms, and the management should take cognizance of this. I shall be very glad to bring the subject before the notice of the government, and if anything further can be done to relieve the situation, I am quite sure we are prepared to do it.

Hon. Mr. McMULLEN—I believe that from North Wellington, the district where I live, not less than 1,500 people have gone out from the different towns, villages and rural districts, to the Northwest within the last month. People have a craze to go out there, simply because for the last two or three years some of those that went out and took up land have made double and treble what it cost them. People have a speculative craze and will go, and in some cases they are actually renting their farms, taking whatever they can get for them and going to the Northwest. I am satisfied that 1,500 people have left the constituency which I used to represent, and have gone out there this spring. Supposing we take that number from 150 constituencies you have 225,000 people who have left Ontario to go to the Northwest owing to the reports with regard to the advantages of taking up land, and selling it or holding it. Considering the enormous immigration coming into this country, it is a wonder to me the railway companies have been able to provide as efficient a service as they have done. It is simply amazing that they have done so much. It is quite clear that the trains are over-crowded. They have an enormous influx of immigrants and their outfits which have to be provided for. From the station at which I live, a whole trainload of people left with horses, cattle and utensils of all kinds. If people will use their heads and rush madly into the west in that way, they have to take the consequences.

Hon. Mr. FERGUSON—Is there anything before the House?

The SPEAKER—No.

## THIRD READINGS.

Bill (3) An Act in amendment of the Railway Act, 1903, as amended.—(Hon. Mr. Perley.)

Bill (114) An Act to authorize the Exchange of certain lands.—(Hon. Mr. Scott.)

## CUSTOMS DUTY ACT.

### THIRD READING POSTPONED

Hon. Mr. SCOTT moved the third reading of Bill (134) An Act respecting the duties of Customs. He said: This measure differs in some particulars from former Bills that have been submitted for the consideration of parliament, inasmuch as there are three columns of rates instead of two as on the last occasion. The first column refers to the British preference and applies to the manufactures of goods coming from the United Kingdom—

Hon. Mr. LOUGHEED—I understood yesterday that the hon. gentleman from Toronto (Hon. Mr. Jones) desired to speak upon this measure.

Hon. Mr SCOTT—I told the hon. senator from Toronto that I could not hold it beyond Wednesday. The representative of His Excellency must come down to-morrow to give his assent to some Bills.

Hon. Sir MACKENZIE BOWELL—It is very much to be regretted that this Bill has been rushed in the manner it has.

Hon. Mr. SCOTT—Oh, no, it has not been rushed.

Hon. Sir MACKENZIE BOWELL—The second reading was rushed through last night without a word of comment. I did not know of it at the time; but I was made aware afterwards that the second reading of it had taken place. I think probably in the past the practice has been not to refer a Bill of this kind to committee, but there are so many changes in the Bill and in the principle of the customs, and also in the regulations in the first part of the Bill that it should require some little explanation from the minister—that is if the senators are expected to understand really what they are doing. Let me call my hon. friend's attention, before commencing any discussion upon it, to schedule B, I should like to know what that really means. Under the old system of drawbacks, they were allowed on certain articles which entered into the manufacture of other articles. There was also a special provision made for a drawback when articles were manufactured for exportation. I find at the head of schedule B these words 'goods subject to drawback for home consumption'. If that read for exportation the provision would not apply to goods manufactured for home consumption. Are we to understand that this includes raw material which enters into the manufacture of the completed article—that it is to be confined to the articles which are to be manufactured for home consumption? The specific wording is 'for home consumption.' Could an article manufactured for exportation receive the drawback which is provided to be repaid when manufactured for home consumption? If such be the case, why it is a total reversion of the whole principle that has been adopted for years. Personally, I should very much like to hear the hon. gentleman from Toronto, for the reason that I know he is deeply interested in this question of drawbacks, and more than that, in the tariff itself. If I understand the wording of the tariff, while the demands that have been made by the agricultural portion of Canada for a reduction of the duty upon agricultural implements that are imported into this country, from twenty to seventeen and one-half per cent, the drawback which is given much more than compensates the manufacturer for the reduction which has been made, or, in other words, he is in a better position than he was before. Hon. gentlemen will understand that I do not object to that, but it is a system of framing a tariff to humbug the people. Perhaps I should not use that word but it certainly has that effect. Perhaps my hon. friend would call the attention of the Minister of Finance to clause ten, which confines the drawbacks to articles manufactured for home consumption. Surely it could not have been the intention of the government to adopt a policy of that kind.

Hon. Mr. SCOTT—I am willing to allow this Order of the Day to stand till to-morrow.

The Order of the Day was discharged and placed on the Orders of the Day for to-morrow.

## OLD AGE PENSIONS.

### DEBATE RESUMED.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. McMullen: That an

humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all correspondence in the hands of the government, or any department thereof, on the question of old age pensions to aged residents of Canada, or retiring allowance in any form.—(Hon. Mr. Ross, Middlesex.)

Hon. Mr. ROSS (Middlesex)—This question is a very important one, to be sure, and I feel as if I were under an obligation—and perhaps the House feels the same—to the acting First Minister for having brought our attention to a question of such great interest, and which, if acted upon on the basis of the draft Bill which is submitted, would reach many thousand people in Canada. I think it is quite appropriate that while we are spending very generously for the development of Canada and for the purposes of transportation, and for filling up our western lands, that we should look behind these larger questions to those on whom the burden of maintaining the government must ultimately rest—that is the wage-earner and the workingman—and see that in the midst of these larger developments and this widening of our national horizon we do not forget those who are the toilers and on whom the ultimate prosperity of the country must depend. If I might be allowed to be reminiscent, I might say that thirty-five years ago, when I entered public life, there was a maxim then very much in evidence, namely, that no government should do anything which could be undertaken profitably or properly by private enterprise. Since that time, the converse of this maxim seems to prevail, and now the rule appears to be that no private individual or corporation should undertake anything which the government can do, or would like to do, or was disposed to do. Whether we subscribe to that principle in its latter form or not, we are face to face with the fact that it prevails, that it is uppermost at the present day in public opinion, and, therefore, when the acting Prime Minister calls our attention to a means whereby some provision may be made, in addition to the provision which is already made by private corporations and insurance companies, for the wants and necessities of many thousands of the people of Canada, we are in exact harmony with the prevailing opinion to-day on other questions. The world over, paternalism seems to have full force and sway. All the great railway systems of Europe, except those of Great Britain, are largely controlled by the governments of the day. This is the case in Germany, in France, in Italy and in Russia, and one of the candidates for the presidency of the United States has recently declared that he believed it would be in the interest of the United States republic if the federal government assumed control of federal railways. We have under our own control as a government in Canada a vast railway system. The province of Ontario has in a smaller way the control of a railway system. The government of Great Britain has taken control of telegraphs and also proposes to take control of telephones. This is a system of government administration which nobody thought of some 25 or 30 years ago, particularly as far as Canada was concerned, except in the case of the Intercolonial, and certainly was not thought of so far as the United States or the province of Ontario were concerned. In fact, when we were considering the construction of the Canadian Pacific Railway, so anxious were we to avoid government control that both sides of the House at that time insisted that that great enterprise should be handed over to a private corporation. Perhaps we made a mistake; it may be debatable whether we did or did not make a mistake, but we showed the domination of this principle. Now what has been done in matters of transportation, has been done all over the board. Labour leaders in England have brought about a public revolution in labour laws. I can remember when as philanthropic a statesman as John Bright declared that there should be no regulation of hours of labour, that it would interfere with the right of contract between capital and labour, between the employer and the employee, and the Earl of Shaftesbury, in his great efforts to reform the laws with regard to child labour, had to fight for many years both the House of Lords and the House of Commons. There is scarcely a session that passes of the parliament of Great Britain without some ameliorating condition encroaching upon this old maxim that government should not interfere; that governments should not be paternal, and as a result we have great

amelioration of the condition of the working classes and much legislation of which Britons are very proud. That has extended also to Canada. We have civil service Acts whereby civil servants receive pensions to which they are contributors partially themselves, and civil service Acts under which judges receive pensions to which they are not contributors. We have similar Acts with regard to great corporations. Indeed we discussed carefully for a couple of days here a pension fund for a great railway corporation, the object of it being to protect those in the employ of that corporation. Insurance companies have done a great deal, perhaps, to relieve the condition which otherwise might exist unless there was some legislative or local means of providing for the wants of those dependent upon men who had become unable to provide for them. Our savings banks have reached forth a helping hand in the same direction. I understand that we have $61,000,000 on deposit in our savings banks at the present moment, contributed by about 200,000 depositors. This is a means of relief, but does it go far enough? Our insurance companies carry $630,000,000 insurance covering 671,000 lives, which contribute an average of $30 each for their insurance, the amount of premiums received amounting to twenty-two million odd dollars. There is a source of revenue and help in the case of those who are depending when the necessity arises which must go a great way towards meeting the conditions. But, as I asked a moment ago, is that sufficient? The acting First Minister thinks it is not sufficient. With him, I for one agree. I have no doubt the whole body of this House, if not in harmony with the details of the scheme, will be in harmony with the principle and in pursuance of that principle we are only following in a similar direction a principle that is conceded elsewhere. There is a material difference between the scheme of the acting First Minister and old age pensions. While not absolutely saying that old age pensions are faulty in principle and inadequate in their results, I would prefer as between the two a fund whereby those who sought to benefit from it ultimately would be joint contributors with the government to that fund. Old age pensions exist in their purity in New Zealand, New South Wales and Victoria, where those who are ultimately to benefit by those pensions contribute nothing themselves. In Germany, the old age pension is a joint contribution between the pensioners and the government, the sum that they are to contribute being fixed and the maximum that they are to receive ultimately, being fixed also. As to old age pensions, there is just one substantial objection in my mind, and that is that it is a good deal like the workhouse, that is where the pensioners are not joint contributors. It is not an incentive to thrift, but the very opposite. The individual in this case, let his income be small or great, feels that he is not placed on his own resources, that he is to be ultimately a pensioner on the state, that he has a claim on the state for his maintenance in his old age, and, therefore, the natural obligation which rests on him to contribute for himself and his family during his years of vigour and industrial activity is not binding, but that the state owes him a living at least at the time he has assumed to be unable to provide for himself. Now, if this idea gets into the minds of working men it would be fatal to thrift, and being fatal to thrift it would strike a fatal blow at one of the fundamental elements in the development of character. The first reason, and perhaps one of the strongest reasons whereby the system proposed by the acting First Minister is worthy of our support is that it encourages thrift, and thrift lies at the foundation of national wealth. It is an element which enters into the development of character and independence. The glorious privilege of being independent is largely based upon thrift, and it is extraordinary in what way inducements to thrift operate and produce great results. Let me give a case in point; just before I retired from the position of Minister of Education in Ontario, we set in motion penny savings banks for the children of our public schools. The city of Toronto took up the scheme with considerable enthusiasm, led by a very efficient inspector of public schools, Mr. Hughes. In nine years the savings collected in the childrens' savings banks at Toronto amounted to $90,000, and ten thousand children contributed. There is a kindergarten lesson which the children have learned which en-

courages them to avoid self-indulgence when self-indulgence might in other cases be modified, and which sometimes affords to their parents a little shelter in financial stress, for where the earnings are small a very few dollars will carry a family over some little crisis, and perhaps homes are brighter, and so it is said of Toronto because of those paltry savings of the children in the public schools. What has been done by the encouragement to thrift in the public schools, carried all around, would have an immense influence if the whole of the people of Canada participated in it. I feel that we are now in the days of sunshine and industrial prosperity, and I fear that with the abundance of wealth and abounding and increasing prosperity, and with increasing earning power, we may fall into the habit of personal and domestic extravagance, which, should a financial crisis come, will press very hard upon many homes. And if that habit of extravagance is once cultivated, and grows, the wage-earners and bread-winners may find themselves late in years penniless and dependent, and, as a consequence, the credit and honour of the country will suffer and the status of Canada will be affected accordingly. So if this scheme, simple and elementary as it is, and economical in its outlines, and within the reach of the most moderate wage-earner, whether male or female, is taken hold of by the people of Canada, I would expect it to induce thrift, I would expect it to brighten the future of many citizens, male and female, and I would expect it to promote the independence and self-reliance of thousands of people. Indeed, it is said that a system of thrift such as this is would go a good way to modify if not to prevent, strikes, which too frequently occur. Whether that be true or not, I would feel certain myself that a man with an annuity in prospect, with a few hundred or a few thousand dollars in the savings bank, would be a more efficient workman, would be more contented in his home, would be more contented indeed with the government of the country, would feel the family relation even a little stronger, if he were assured that when old age overcame him, and physical disability prevented him from indulging in his usual industrial pursuits, he would have an income for his maintenance. He would feel better, and we would have in him a better citizen. I have spoken principally of the advantages the scheme might present to the individual, but I might go even further, for not only would the individual be benefited, but those dependent upon him might also be very much benefited. I have here a quotation from an article which appeared lately in the 'Outlook,' published in the city of New York, in which it is pointed out that in the case of death or accident, not only is there a loss to the citizen, but there is placed on the charity of others a number of dependents, at least equal to the number of lives lost. The 'Outlook' says :

> In a special study in 1899 of 1,386 persons injured in the factories of New York state there were found to be 1,629 dependent wives, children or others, a ratio of 1·18 dependents to one injured person. By the 1,123 killed in coal-mining in Pennsylvania, 604 widows and 1,419 orphans were left, a total of 2,023—nearly two for each man killed. If only one dependent were affected by each of the half million annually killed and injured, it means that another half million are temporarily or permanently suffering with the wage-earner himself.

How many of these had their roof-tree torn from over their heads no one can tell. There may have been no provision for them at all. If in the case of those killed or injured provision had been made, such as it is proposed by the acting First Minister, there would be much more brightness in these desolate homes and the dependent children would find some sustenance when, otherwise, they might have to depend on the cold charity of the world. The scheme, therefore, is not only far-reaching, not only does it reach the survivor, making the savings due and payable to him at the age of 60, but should he in the meantime suffer an accident, or be incapacitated for labour or taken away by death, those who are dependent on him would have some slight provision made for their wants in the meantime.

But there is another point. To the individual himself the advantages I have stated are to my mind self-evident. There is an advantage to the state also. Poverty is a great burden to the state. Take the rich province of Ontario—and I may be pardoned for saying 'rich.' I do not intend it to be invidious to the other provinces—but take the province of Ontario, we have taxed ourselves for about 40 houses of refuge, commonly called poor houses. In England they

would be called work houses, containing on an average say 70 persons. These cost on an average $50,000. A couple of millions have been invested by the ratepayers of the province of Ontario in these houses for the protection of poverty stricken people in their old age. It is a small contribution, but it is a contribution that does a great deal to keep the vagrant from the street and to provide comfort for those who would be dependent upon relatives. The province of Ontario pays out of its treasury $4,000 for each house of refuge. That is our burden. Over and above that, there are other sources of charity, public and private, innumerable. The amounts paid in Ontario for charitable purposes no one can ascertain directly, nor can it be ascertained in any other country. That is our burden, small but, so far as it goes, effective. In older countries the burden is greater. I find by the last statistics on the subject, that the number of paupers in England in 1905, on the poor rate, was 871,765, equal to the population of two or three of our largest cities, maintained at a cost of £11,373,220, about $55,000,000.

Hon. Mr. FERGUSON—In the work houses ?

Hon. Mr. ROSS—In the work houses. In Wales there were 46,627 paupers maintained at a cost of £54,976, and in Scotland 108,643 paupers maintained at a cost of £1,402,354. I have no record for Ireland; perhaps there are no poor there, but for these three divisions of the United Kingdom, the aggregate charge was £13,242,202, for a pauper population of 1,035,384. The average charge was eight shillings and two pence halfpenny, or $2.05. That is a heavy tax.

Hon. Mr. FERGUSON—Does that include outdoor relief ?

Hon. Mr. ROSS—No, that is the work house alone. In addition to that, no doubt there is abundance of out door relief, and then the overflowing charity of private individuals might aggregate a sum nearly as large as that, which is the direct tax under the poor rate. That is a burden to be borne only by such a powerful and wealthy nation as Great Britain. Should we anticipate the future ? Should we provide now in the early stages of our national growth for such a contingency as that which prevails there? I do not look forward in a pessimistic frame of mind, nor with any dread as regards the future, yet we know the poor we have always with us. We know there are men living on the verge of poverty, men whose earnings are small, and whose families may be large, men who suffer from accident and physical disability, who are stranded, men who have been unfortunate in business and failed at an age too late to recover themselves. These are to a certain extent the wards of the state. We cannot cast them into the street to die. We cannot see that their wants are unsupplied. Charity, though cold, cannot be cold enough to do that in this great rich country of Canada; but, in the meantime to head that off, let us endeavour to get those in the vigour and prime of their life to make some provision for their old age, and if need be—and it is only required in this case in a small way, let the state supplement these contributions so that the state in its sovereign capacity, and the citizen in his humble capacity, will be joint partners in protecting the unfortunate citizen against the accidents of old age. Sir Henry Campbell-Bannerman has said that in England there are 12,000,000 of the population living on the poverty line. There may be some but I am very sure there are very few people living on the poverty line in Canada. It should be our duty, as far as we possibly can, to see that they are kept as far away from the poverty line as possible. What does this draft Bill propose? It offers first to the wage-earner an absolutely safe investment. The workman is suspicious sometimes of those who proffer charity or provision for him. The government of this country is an absolute security and any fund managed by the government he will feel sure is a fund that will not be squandered. Insurance companies may come, and insurance companies may go, and benefit societies may be organized, and may be dissolved, but a government goes on for ever, and in that government he has the strongest security that can be given. That is one corner stone of this scheme, and a substantial corner stone it is. Then his contributions are non-forfeitable. Whatever money he gives there, he cannot lose it, there are no lapsed policies in this great company of which the govern-

ment is a director. Whatever it may be it stands to his credit until he has a right to apply for it. It is non-transferable. No creditor can reach out to it. The hon. senator from Wellington took exception to this provision of the draft Bill. I think it is one of its very best provisions. I like to see money put somewhere that a creditor cannot get at it, if it is put there for the protection of an individual in an emergency. It is not the law upon the statute-book yet, but creditors know that it will be there. They are warned that they cannot put their hands on it. We protect the individual now in regard to many things. For instance a landlord cannot sweep away all the household goods and put them up at auction, and sell them at three or five cents on the dollar. A workman is protected in his tools and implements of his trade to a certain extent. If the wage-earner puts away for this purpose a certain portion of his earnings,—and the amount is very small for an annuity of $120—let that money so consecrated remain so, and let it be beyond the reach of creditors and beyond the reach of the cupidity and avarice of landlords. That is a good feature, and the fact that an individual knows that the fund is so secure will induce him perhaps even more vigorously than he otherwise would to put money in that safe way. He is laying up treasure if not in heaven, he is laying it up where moth and rust will not corrupt and where it will gain some interest from year to year. Then the management is cheap. The complaint against our insurance companies is that the management is high and the premiums are large. Whether the complaint is well founded or not, I am not going to discuss. The management is cheap, assuring him of the largest possible results from his minor investment. These are features of the scheme which cannot be overlooked, and which commend themselves very much to my mind, and which I hope will commend themselves to the country. Then to the state there is an advantage, and that should not be overlooked either. We get from the use of money in our savings bank large amounts of money for industrial purposes. Banks are the largest monopolists we have in this country ; the strongest combinations we have for the purposes of trade. They start with a moderate capital, expecting that the deposits which they receive, and for which they pay three per cent, will furnish them with capital. We have over six hundred million dollars on deposit in our banks now. That money is the life blood of our industries. Sixty-one million dollars of that comes by way of the savings bank. A large part of this money is on call. A large part of it is drawing interest, but that money flowing into all the industrial arteries of the country turns the wheels of commerce, from one end of the Dominion to the other. If you draw in any more, would you not by this system add to the arterial current which is so indispensable to the industrial activity of this country, and add to it at the moderate rate of interest of three and one-half per cent. A few months ago the government of Ontario, in order to complete the construction of the government railroad, asked for three millions of money from the people of Ontario and they received the three millions. Where does the interest of that go? Abroad to the United States or Great Britain or France or Germany ? No, these are Canadian investments by Canadian investors, the interest of which flows back into the pockets of those who originally made the contribution. England receives about one hundred million pounds sterling a year in the shape of interest from her foreign investments. This country of ours is drained to the extent of ten millions a year to meet the interest on our bonds and debentures floated in the English market. Could we get, as the British government gets for its own national debt, the money to meet our obligations from our own people, then the interest would be spent at home. It is the principal of encouraging home manufactures, the principle of spending your own money where that money is earned, and, to that extent, it is an advantage because it is still revolving and in every revolution producing wealth and bringing comfort to somebody. When the great Franco-Prussian war was over, France was penalized to the extent of 2,000,000,000 francs because of having gone to war with Prussia. Did that debt hang long over the French republic? Just a very short time, and the money came from the peasantry of France, from the eight millions of land owners of France, owners of small

holdings, from the industrial peasant, who had perhaps stored it away at home, or put it on deposit in some government bank. France shook off with one gigantic, vigorous effort the terrible incubus of that war debt and becomes free through the industry and through gallantry of her people. We do not expect any such crisis in the history of Canada. But France in that way paid for war, a terribly destructive war at that, involving loss of territory and loss of life. What France paid for carrying on that war we may contribute for carrying on the greater industries of this country, and instead of going abroad to borrow money for the necessities of the government we perhaps if our people were encouraged in greater thrift we might find that money at home. I do not know that I need develop this subject at any great length. Long academic speeches might be made on it and statistics read, but the fundamental principle is stated in the Bill—we are to become joint partners with the wage-earners of this country to contribute to their maintenance in old age, or to their support should adversity overtake them If that view commends itself to the judgment of the House, as I am sure it will, then the draft Bill will be prepared and submitted as the policy of the government, and will, I hope, command the confidence of the House, and I am sure it will be welcomed by many who, out of their paltry savings, will not be able to take out a policy in an ordinary insurance company, or who would spurn an old age pension because of the humiliation it involves, and would be accepted by them as a means whereby old age may be protected and their families made comfortable should adverse circumstances overtake them.

Hon. Mr. FERGUSON moved that the debate be adjourned until to-morrow.

The motion was agreed to.

## YUKON PLACER MINING ACT AMENDMENT BILL.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (135) An Act to amend the Yukon Placer Mining Act.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the right hon. gentleman if he knows the intention of this Bill ? Is it to meet a special case before the courts, or a case to come before the courts? Because it gives with one hand certain rights to a miner or a company to preserve their rights if they neglect to register at the right time. The Bill is also retroactive—it mentions dates of last year. Then in the last part, it is provided that this section shall not prejudicially affect the rights of another company. That is to say that one company has a certain mining grant, and neglected to register it at a certain time; then another company comes in and takes up the same claim and their rights are not to be affected by the reservation made to preserve the rights of the first party. It seems to me the Act is contradictory.

Hon. Sir RICHARD CARTWRIGHT—It will be more convenient if we discuss this matter in the Committee of the Whole. I have here explanations of the various matters that my hon. friend has suggested, but they can be given more conveniently in the Committee of the Whole than in speeches with the Speaker in the Chair.

Hon. Mr. LOUGHEED—So long as my right hon. friend will reserve right to discuss the principle in addition to the details of the Bill, I have no objection.

Hon. Sir RICHARD CARTWRIGHT—Certainly, it would be on that understanding only that I would ask the second reading of the Bill now.

The motion was agreed to, and the Bill was read the second time.

## MILITIA PENSION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (144) An Act to amend the Militia Pension Act. He said: In the permanent force the officers contribute 5 per cent of their pay, which will entitle them to a superannuation allowance when they leave the force. There is no provision, however, for officers who are what is called seconded—where they are transferred for a time perhaps to serve in India or England or even in the civil service for a time. There are cases of that kind. The object is to enable an officer, although not then in the permanent force, if he con-

tinues his pay of 5 per cent on his increased salary, to become entitled at the proper time to the superannuation allowance. By continuing to pay he would get his superannuation although he might have left the permanent force for a time, or he may go back to it again or may not. But if he continues to pay the five per cent under this Bill he will be entitled to the superannuation.

Hon. Mr. LOUGHEED—In what way has such a principle as that originated ? Primarily the object of the Pension Act would be to reward those who have served a period of years in giving service in a particular channel or along a particular line, to the country. If a break would occur by which the individual in question would enter into more remunerative employment, and cease to perform that service to the state which was in contemplation, seems to me to be a very wrong principle to embody in a pension Act.

Hon. Mr. SCOTT—Take the case of a man who has been contributing to the superannuation fund for fifteen years, and he goes out of that particular service and enters the civil service. He receives a very much larger salary and continues to pay his five per cent. He should not forfeit the fifteen years he has paid while in the permanent force. If he continues to pay the five per cent, although he may not then be in the permanent force, when the time comes for superannuating him, he will then be entitled to a pension. Take the case of a deputy minister who has been a long time in the permanent force ; he is no longer in the permanent force because he is deputy minister. He continues to pay the five per cent, which is a very much larger sum than he was paying before, so that the fund is not starved in any way ; it is rather benefited by the fact that he is getting a larger salary. The Bill is for the purpose of giving him the benefit.

Hon. Mr. LOUGHEED—He participates in the advantages of the civil service superannuation as well.

Hon. Mr. SCOTT—No, the superannuation, under the military pension, is altogether different from the civil service.

Hon. Mr. LOUGHEED—Will that prevent him from participating in the advantages of any fund in the civil service ?

Hon. Sir RICHARD CARTWRIGHT—He has to make his election.

Hon. Mr. MACDONALD (B.C.)—Does the hon. gentleman know how the pensions in Canada compare with those of the imperial army of the same rank ?

Hon. Mr. SCOTT—They get thirty-five fiftieths for a number of years.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that they receive one-fiftieth for each year that they have served. If a man has served twenty years he would get twenty-fiftieths of the salary he enjoyed at the time he was to retire. If he had served thirty-five years, which was the maximum, he would receive thirty-five fiftieths of the salary he was drawing at the time of the retirement. I am speaking from recollection, but I think, on the whole, ours is more liberal than the imperial pension. Our officers who retire after thirty-five years' service receive a little more than two-thirds of the salary that they were getting upon retirement.

Hon. Sir MACKENZIE BOWELL—Is that word 'seconded' used in a peculiar military sense or how is it ?

Hon. Mr. SCOTT—Where a man is retired temporarily from the service, they call it 'seconded.' It is a technical term.

The motion was agreed to, and the Bill was read the second time.

## INSPECTION AND SALES ACT.

### REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (AAA) An Act to amend the Inspection and Sales Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—My hon. friend the leader of the opposition desired some information with regard to the size of fruit baskets used in the United States. The Department of Agriculture had that question under discussion, and find that there is no uniform standard in the United Statees. As I mentioned the other day, several states appear to be

allowed to regulate these things according to their own measure. In the case of the importations from California, to which my hon. friend specially called our attention, the department advised me that the baskets from California are, as a rule, smaller than the size prescribed in this clause, and furthermore with respect to the importation of fruit, it may be imported, but in such cases the baskets must be marked 'short.' Being of a smaller size than our standard. Those if I remember right were the chief points that my hon. friend desired to be advised upon.

Hon. Mr. LOUGHEED—From the inquiries which my hon. friend made, can he say whether the exporters in California have familiarized themselves with the conditions which obtain in Canada ?

Hon. Sir RICHARD CARTWRIGHT—This trade has been going on for some time. They are getting familiarized, but the department advised me that up to the present moment, the provisions of the law have not been very strictly enforced, particularly in the Northwest. By this time I think they must be all pretty well notified of the provisions of our law.

Hon. Mr. LOUGHEED—My hon. friend will appreciate the difficulty of conforming to a law of this kind, where in fact all the fruit imported into the Northwest, practically, comes from the Pacific states.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend noticed, I mentioned that the size of the basket is not imperative. All that is imperative is that they should mark it short when it is a smaller basket.

Hon. Mr. LOUGHEED—It seems to me the only way to carry out the regulation is to mark the baskets on Canadian territory, because it is not likely they will be marked in the United States.

Hon. Sir RICHARD CARTWRIGHT—I specially called the attention of the department to the statement made with respect to the Northwest, because I quite see that for the present—and I suppose until British Columbia is able to supply people of the Northwest with all the fruit they want, it would be a very great hardship on the settlers that any interference should take place with regard to fruit. In our climate it is a wholesome luxury to the settler to be able to obtain fruit, and we desire as much as possible to facilitate the obtaining of it.

Hon. Mr. LOUGHEED—If the government had taken power to itself to apply this Act by proclamation to any of the different provinces the difficulty might have been overcome, because, as my right hon. friend informed the Chamber, this legislation is being asked for at the instance of the Niagara fruit-growers.

Hon. Sir RICHARD CARTWRIGHT—Chiefly.

Hon. Mr. LOUGHEED—It is well known that they do not ship this fruit west of the great lakes to any extent.

Hon. Sir RICHARD CARTWRIGHT—I see no objection to some such provision being made, and I would suggest that we might as well put the Bill through the committee stage, and before the third reading is moved I will speak to the Minister of Agriculture, and possibly my hon. friend the leader of the opposition might find time to draft a few words in the direction that he desires.

Hon. Mr. LOUGHEED—I suggest a provision that the Act should not come into force in any province declared by a proclamation not within the operation of the Act.

Hon. Sir RICHARD CARTWRIGHT—Reserving for the Governor in Council the right to exempt any province.

Hon. Mr. LOUGHEED—Yes.

Hon. Sir RICHARD CARTWRIGHT—The remainder of the Bill is from myself. This is a communication from the Department of Agriculture. Therefore I should like to consult the Minister of Agriculture, before unreservedly committing myself to it. It appears to me there would be very little objection to that.

Hon. Mr. FERGUSON—When the Bill was before the House on a former occasion, I asked my hon. friend if it applies to foreign fruit. He was then of the opinion that it did not. I have looked over it very carefully since that time, and I find, of course, that it does apply to foreign fruit. I must

say that I think the provision in the Bill making it applicable to all the country is right, with the provision for having the baskets marked 'short' as it applies to fruit coming from foreign countries. I think that would be quite sufficient provision.

Hon. Sir RICHARD CARTWRIGHT—Of course that exists as it is.

Hon. Mr. FERGUSON—It seems to me that that is ample, and I find that all the change that is made with regard to the baskets, is simply to give a more ample description of the basket and vary the size in some slight degree, and which I have no doubt it is the result of experience, it meets the views of those who are interested in the trade both as buyers and sellers. I have looked over the provision which refers to baskets, and I have come to the conclusion—and I have had some means of communicating with Mr. McNeill of the department—that it has been very well thought out.

Hon. Mr. LOUGHEED—I entirely differ from the hon. gentleman from Marshfield as to the desirability of applying this to the districts west of the great lakes. From Washington, California, and in fact from all the Pacific states the fruit that we consume very largely comes. It comes in at all points along the crossings of the road, as well as along the main line of the Canadian Pacific Railway, and if restrictions of this kind are to be placed upon the importation of that fruit I can very well conceive an indifference as to the shipping of this fruit to Canada arising on the part of the exporters in the United States. If it were interfering with fruits being shipped through Canadian ports, I should appreciate the desirability of protecting the Canadian producer, but this is not the case. I quite appreciate what my hon. friend has said with reference to British Columbia, that the day will doubtless come when British Columbia will be able to produce enough fruit to satisfy our demands, but that time has not yet arrived, and there should be no deprivation of these advantages in the meantime.

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the hon. Minister of Agriculture to the remarks of the hon. gentleman from Marshfield, who is a gentleman having had some experience in these matters.

Hon. Mr. FERGUSON—At some seasons of the year, fruit from California and other portions of the United States even comes into the Niagara peninsula and towns in Ontario, and all parts of Canada.

Hon. Sir RICHARD CARTWRIGHT—You will see the recommendation suggested by the hon. leader of the opposition in the Senate would not affect that case.

Hon. Mr. FERGUSON—No, but if there is a good argument for excepting the west, there would be an argument for preventing foreign fruit coming into Canada at all when our own fruit is not maturing.

Hon. Sir RICHARD CARTWRIGHT—I think that borders on putting a penalty on sunshine. They have a warmer climate to the south of us than we enjoy just now, and I would not like to deprive the people of Canada of the right of enjoying the advantages of getting their fruit from a climate where it ripens earlier than it does here.

Hon. Mr. FERGUSON—No one wants to deprive them.

Hon. Sir RICHARD CARTWRIGHT—Some people do. The market gardners meekly suggested a duty of ten cents a bushel on tomatoes grown with the aid of foreign sunshine to compete with the home product.

Hon. Mr. LOUGHEED—For the last three weeks we have had strawberries imported from the United States. Certainly they are not in the market to any extent in Eastern Canada, and they can be purchased very cheaply in our western district, and there is no reason why there shall be any handicap placed on a trade of that kind.

Hon. Mr. FERGUSON—Does the Bill impose any new disability against importing foreign fruit ?

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. FERGUSON—The word 'short' belonged to the old law.

Hon. Sir RICHARD CARTWRIGHT—I am advised it does not impose any disability further than it did before.

Hon. Mr. FERGUSON—I do not think it does.

Hon. Sir RICHARD CARTWRIGHT—But that does not affect the point raised by the hon. gentleman from Calgary.

Hon. Sir MACKENZIE BOWELL—That is very true, but as has been intimated by that hon. gentleman, he knows that the great complaint of our market gardeners and the fruit-growers, particularly in Western Ontario, has been the introduction of the early fruits and vegetables from the southern parts of the United States, and therefore destroying the market in Canada, when the same articles are grown and produced in Canada, and it is for that reason that I think the present government, having looked closely into the tariff, had increased the duty on the products of the garden. It is very difficult to frame a Tariff Act in this country, where the climates are so varied, and where the markets are open to products of the southern portions of the continent at different periods of the year. I very well know that in British Columbia the fruits of Australia are introduced into these markets at a period when the trees are not budding in the Northwest or in British Columbia, and that was one of the reasons advanced for subsidizing the Australian line of steamers, that an interchange of commodities would take place at a period of the year when they would not interfere with the product of either country. That was one of the arguments used at that time, and, as my hon. friend says, in earlier portions of the season strawberries and other fruits are brought from Delaware, Baltimore and Washington markets, and from still further south. The facilities offered for transportation at the present time by means of railways are such that you can obtain fruits from the south and have them laid upon your table in two or three days. My hon. friend has not seen any strawberries this year. A week or two ago I had them for breakfast. Those are just the difficulties that present themselves to any government in framing a tariff to meet the requirements of this country. The difficulties pointed out by the leader of the opposition in reference to the western provinces—that is Alberta and Saskatchewan, and even Manitoba—of having fruit-baskets when coming from the United States marked as 'short' is one that I do not well see how you can surmount; unless, as my hon. friend suggests, you enforce the marking at the port of entry. So far as the Bill is concerned, I fancy it is about as good a measure as could be framed. There may be good reasons for the suggestions which my hon. friend has made, but it seems to me highly objectionable to have a tariff upon the statute-book applicable only to one portion of the Dominion.

Hon. Sir RICHARD CARTWRIGHT—I wanted to understand what the hon. gentleman from Calgary suggested was not any interference with the tariff, but simply an interference with the regulation as to the size of the baskets, which is quite a different thing.

Hon. Mr. LOUGHEED—That it should not be enforced in the western provinces, except by proclamation.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend's reference was simply to the size of the baskets.

Hon. Sir MACKENZIE BOWELL—Supposing that exception is made in the case of the Northwest provinces, how would that affect the importation of this class of goods into Winnipeg, and then the shipment of them down to Ontario?

Hon. Sir RICHARD CARTWRIGHT—I think the rates of freight that prevail on the Canadian Pacific Railway would pretty effectually protect the Ontario fruit-grower in that respect.

Hon. Sir MACKENZIE BOWELL—The right hon. minister thinks that is sufficient protection?

Hon. Sir RICHARD CARTWRIGHT—Yes. I do not think anybody will bring fruits from Winnipeg to sell in Ottawa.

Hon. Mr. FERGUSON—It seems to me the marking of baskets 'short' would throw no difficulty in the way of fruit coming in. That has been the practice in the past.

Hon. Sir RICHARD CARTWRIGHT—Practically, I suspect that the law has not been enforced in the Northwest. I think that is about the English of it.

Hon. Mr. FERGUSON—There is nothing that would call for such enforcement. If it were admissible to use the short basket it might be marked 'short'; but my hon. friend means that they will not mark them short, but will put them on the market without being marked at all. I think the law should be enforced, then Canadian producers would have some show of protection, which they would not have if the smaller United States basket was allowed to come in without being marked 'short'.

Hon. Sir RICHARD CARTWRIGHT—I do not think that would interfere with the Canadian producer in any fashion at all. Whatever duty there might be would be continued to be levied just the same.

Hon. Mr. FERGUSON—I am not speaking of the matter of the duty, but I am speaking of the legislation which is before us. We are not imposing a duty or settling anything in connection with the revenue; but we are regulating what the basket should be. I think that if the provision required the American basket, which is smaller, to be always marked 'short', not prohibiting its being put on the market at all, and used for the sale of fruit, it might have some effect ultimately in leading up to a uniform basket; but if you remove that protection by proclamation and allow the United States short basket to come in without any mark upon it at all, and have it on a perfect equality with the Canadian basket at seasons of the year when there is no competition, in the Northwest there will be a good many seasons when there will be no difficulty, but seasons will come when there will be competition, and when the American producer will be competing with the home producers, and I think it would be only fair to our producers that this provision of the law, compelling the United States producers to mark the baskets short should be enforced. It would not prevent the United States smaller basket being sold, but it would retain that distinction, and it would ultimately lead to a change, and perhaps our adopting their basket. It might lead to a uniform package.

Hon. Sir RICHARD CARTWRIGHT—I suppose we can refer to this question again on the third reading. Clause one was the only clause which was permitted to stand, and I move that it be adopted now.

The clause was adopted.

Hon. Mr. BERNIER, from the committee, reported the Bill without amendment.

## YUKON ACT AMENDMENT BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (109) An Act to amend the Yukon Act.

(In the Committee.)

Hon. Mr. SCOTT—This is a very short Bill, authorizing the appointment of an Acting Commissioner in the Yukon.

Hon. Mr. JAFFRAY, from the committee, reported the Bill without amendment.

## AMENDMENTS TO TARIFF BILL.

### INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to ask the hon. Secretary of State how far, in considering the Tariff Bill, the House will be permitted—or will have authority to change or alter any of the items in it, or the resolutions regulating the carrying into effect of the provisions of the tariff.

Hon. Mr. SCOTT—The House could strike out an item altogether, but I think that is the only alteration that could be made. I think the question arose on what is called the paper duties, in the Imperial Parliament some years ago, where the House of Lords struck out an item relating to paper duties, and it was held that they were within their rights. That is the only thing they could do.

Hon. Sir MACKENZIE BOWELL—The reason I asked the question was because the government permitted the hon. senator from Beamsville to introduce a Bill which changed, altered and amended certain articles in the tariff, and I suppose if this were permitted in one case, we might change, alter and strike out some of the items in the Bill before us.

The Senate adjourned until 3 p.m. tomorrow.

## SENATE.

OTTAWA, THURSDAY, April 11, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### ROUTES OF NATIONAL TRANSCONTINENTAL RAILWAY THROUGH NEW BRUNSWICK.

INQUIRY.

The Order of the Day being called :

By the Hon. Mr. Ferguson :

1. Which of the two routes back from the St. John river proposed for the National Transcontinental Railway through the province of New Brunswick, has been approved by the government or the National Transcontinental Railway Commission ?

2. What is the length, respectively, of the two routes aforesaid, between Grand Falls and Moncton ?

3. What length, stated in miles, of the route, approved as aforesaid, has a grade exceeding four-tenths of one per cent per mile, and what is the maximum grade of the railway between the aforementioned places ?

4. What length, stated in miles, of the approved route of the said railway, between the east end of the Quebec Bridge and Grand Falls, N.B., has a grade exceeding four-tenths of one per cent per mile, and what is the maximum grade of the railway between the said places ?

Hon. Mr. SCOTT—I can answer the first part of the hon. gentleman's inquiry. It is the central or back route that has been adopted, within the last day or two.

Hon. Mr. FERGUSON—There are two back routes.

Hon. Mr. SCOTT—There is the central or back route and there is the river route. It is the central route that has been adopted. The hon. gentleman will have to wait a few days for the other information, because the order has only been approved within the last few days.

Hon. Mr. FERGUSON—It will be very desirable to know if that route will be the shortest.

Hon. Mr. SCOTT—My recollection is that it is the shorter of the two routes.

Hon. Mr. FERGUSON—It will be the shortest of the three routes.

Hon. Mr. SCOTT—I do not know about the three routes.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. FERGUSON—It must be if it is the centre route.

Hon. Mr. SCOTT—It is the centre route, and it is shorter than the other by 29 miles.

Hon. Mr. FERGUSON—Shorter than the St. John river route ?

Hon. Mr. SCOTT—Yes. When it goes to the department I will get fuller information.

Hon. Mr. FERGUSON—That is all my hon. friend can do now. I would be very much pleased if I could get this information as soon as he can obtain it from his colleagues. I would ask my hon. friend whether the defects in the answer which I received some weeks ago with regard to my question of contracts on the Grand Trunk Pacific between Winnipeg and Quebec have been remedied. My hon. friend will remember I called his attention to the matter, and I wrote him a note to point out that it was almost impossible to make the answers that I received intelligible. Has he received that information yet ?

Hon. Mr. SCOTT—No, I have not been able to get it. I hope to get it within a few days. I will try to get it. The present motion will be postponed until Tuesday.

The motion was allowed to stand until Tuesday.

### THE ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY inquired :

On what dates were the different orders for rifles given by the government to the Ross Rifle Company ?

For how many rifles was each of these orders given ?

How many rifles of each of the marks I. and II. did the government receive during the month of March ?

How much did the government pay the company during the month of March—

(a) For rifles acepted ?

(b) For rifles not yet accepted ?

On the 31st of March, how many rifles was the company bound to deliver to the government in execution of the orders received ?

Hon. Mr. SCOTT—The answers to the hon. gentleman's question are as follows :—

1 and 2. March 27, 1902, by the terms of the contract, 12,000 rifles ; November 22, 1904, 20,000 rifles ; September 24, 1906, 10,000 rifles.

3. Mark I. none ; Mark II. 815.
4. (a) Nothing ; (b) nothing.
5. 16,185.

Hon. Mr. LANDRY—I desire to ask the leader of the House if he inquired from the Militia Department what answer could be given to the question I put yesterday releating to the King's regulations of 1904.

Hon. Mr. SCOTT—I brought down an answer, but the hon. gentleman said there were some changes or some amendments made to the regulations and that the amendments, he thought, were printed. I communicated with the department at once, and have received no further information from them.

Hon. Mr. LANDRY—I call the attention of the acting Minister of Militia to this fact, that some time ago I asked if there were any additions or modifications, or a revised edition of those regulations to be printed, and I received the answer 'yes.' It was sent to the Bureau, and I asked if the French edition was correct, and the answer I received was that as soon as that edition was completed that they would proceed with the French edition. Yesterday I put my question and the answer was not given to this second edition, but was given with regard to the first edition of 1904 which was not the object of the question at all. I would ask that my question be restored to the order paper as a notice of motion for to-morrow, it will give the hon. gentleman an opportunity to furnish me with an answer.

## BILLS INTRODUCED.

Bill (127) An Act to amend the Adulteration Act.—(Hon. Sir Richard Cartwright.)

Bill (128) An Act respecting the Winnipeg Terminals of the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company.—(Hon. Mr. Scott.)

## THE PAY OF MILITIA OFFICIALS.

Hon. Mr. LANDRY—Before the Orders of the Day are proceeded with, I will ask the hon. acting Minister of Militia if anything has been done yet with regard to the payment of the salaries of the officials in the militia branch of the department. The civil branch has been paid, but the militia branch has not been.

Hon. Mr. SCOTT—I brought the matter to the attention of the deputy minister, and he did not know what it referred to. I told him that some balance of salaries due had not been paid, and he said he was not aware that there were any. Could the hon. gentleman give me anything more definite, and I will make further inquiry ?

Hon. Mr. LANDRY—When the Minister of Militia was here and something of the kind occurred, he just gave an order to the bank to pay the salaries.

Hon. Mr. SCOTT—But the deputy minister does not know that there is anything in arrear.

Hon. Mr. LANDRY—The salaries of the officials in the militia branch are in arrear.

Hon. Mr. SCOTT—Can the hon. gentleman give me any clue to it ?

Hon. Mr. LANDRY—I have given a clue. The officers in the militia branch of the Militia Department have not been paid for the month of March last.

Hon. Mr. SCOTT—The militia employees at headquarters ?

Hon. Mr. LANDRY—At headquarters.

## THE SEAL FISHERIES IN BEHRING SEA.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to direct the attention of the government to a telegram published some days ago from England, in reference to the position taken by the government on the question of the fisheries in Behring sea. It will be remembered that when the British Ambassador was about to visit Ottawa, the Washington correspondent of the New York 'Post' mentioned some twelve or fifteen subjects upon which he was to consult the government of this country. A telegram from London, based upon that report to a certain extent, makes the following statement :

The despatches form Washington, containing Secretary of State Root's proposal for a settlement of the questions in dispute between the United States and Canada are the subject of considerable comment here. With the exception of that in regard to the tariff the suggestions have been favourably received although it is admitted that Canada is the best judge of how the various questions should be settled.

It is officially pointed out that contrary to the statement made in the despatches an agree-

ment in principle has not been reached with respect to sealing. It is true that Canada has agreed to accept a monetary recompense for the loss of the industry but other considerations must be discussed.

I remember seeing the statement some time ago, but it has never been confirmed. This despatch from London, of the 24th of March, states distinctly that Canada had agreed to accept a monetary consideration in lieu of abandoning the sealing industry in the open sea. I cannot conceive it possible that the statement is true, and I bring it to the notice of the government in order that it may be either denied or confirmed.

Hon. Mr. SCOTT—That report has been repeated time and again in the last two or three years. Nothing has ever been done since the breaking up of the former convention some years ago—nothing whatever. It just stands where it did before.

Hon. Sir MACKENZIE BOWELL—May I ask whether any proposition of the kind has been made to the government?

Hon. Mr. SCOTT—No proposition or counter proposition. The matter may have been informally discussed by the parties—probably it has been, but no proposition has ever been made.

## THIRD READINGS.

Bill (63) An Act to incorporate the Protective Association of Canada.—(Hon. Mr. Mitchell.)

Bill (DDD) An Act to incorporate the Prudential Life Insurance Company of Canada.—(Hon. Mr. Mitchell.)

## DUTIES OF CUSTOMS ACT.

### THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (134) An Act respecting the Duties of Customs. He said: In making this motion I simply repeat the remarks I made when the Bill came up for the first reading and for the second reading, that it is framed somewhat on lines different from the former Duties of Customs Act, inasmuch as there are three distinct columns. It varies also from the former Act inasmuch as the British preference, as it is known, heretofore depended on a regular percentage. Now each item has a fixed rate opposite to it, as hon. gentlemen can see, making it more definite and easier of comprehension than under the former Act. The intermediate tariff is intended to apply to such British colonies, or foreign countries as may give us favourable terms in regard to our exports. As hon. gentlemen know, the British preference does not extend to all parts of the empire. Australia, for instance, has not come in. The West Indies and part of South Africa are not included. The third column is made up of the general tariff, which is applicable to all countries outside of, practically, the British preference or the intermediate. I might say there is no application at present, nor is it in immediate contemplation to bring the intermediate tariff into operation. In regard to the schedules, my hon. friend yesterday called my attention to the possibility of exports from Canada not receiving the full benefit of the drawback, because schedule B is headed 'goods subject to drawback for home consumption.' I may say to him that the Act which governs the drawback in regard to goods exported, depends on the statute which authorized the Governor in Council to make regulations with regard to the drawback on goods exported. That is now contained in the Customs Act, which is to be found in the first volume of the revised statutes, section 288. The hon. gentleman will find full information there. I quite understand how he would have been misled by the headlines in schedule B, which seem to refer to goods subject to drawback for home consumption. No reference need have been made to goods exported, inasmuch as the policy in regard to those goods is provided for in the Customs Act.

Hon. Sir MACKENZIE BOWELL—In the clause repealing the different Acts, I confess I had overlooked that point; that clause of the Customs Act is not repealed.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Then the drawback on the export duty applies as formerly?

Hon. Mr. SCOTT—Yes. There is no change.

Hon. Sir MACKENZIE BOWELL—Can the hon. genteman tell me to what extent? Is it the 99 per cent?

Hon. Mr. SCOTT—I think it is the 99 per cent.

Hon. Sir MACKENZIE BOWELL—Of course the tariff Bill before us is, as the hon. gentleman said, vastly different both in principle and in detail to the former Tariff Acts. We propose now to place upon the statute-book a Tariff Act, the result of a year or two, in fact two years consideration. The committee of council consisting of the Minister of Customs, the Finance Minister and others devoted a good deal of their time in travelling over all portions of the Dominion, and not satisfied with that, they visited the ports on the Pacific coast, at a cost to the country of some ten or fifteen thousand dollars. I have no doubt it will be remembered by those who have paid any attention to this subject, how the hon. gentlemen opposite, and more particularly the members of the government, used to condemn the former government for taking what they called 'Junketting trips' around the country, when one or two members of the cabinet thought proper to go as far as Montreal, or perhaps to Halifax, to consult the importers and the merchants and the manufacturers upon the working of the tariff as it then existed. It appears to have been considered a crime on the part of the predecessors of the present government to do in a very minor way, that which they themselves have adopted in endeavouring to arrive at a conclusion as to what the new tariff should be, and what is the result? After two years' cogitation and some months in 'junketting' about the country, and trying to obtain information, a tariff Bill was laid before parliament, and after the manufacturer and the importer and those who understood the question had had a few weeks to consider the matter, the finance committee had to come down with a revised tariff remodelled, to a very large extent. If we are to take the statements made by those who are promoting the Bill, they represent it to be, as the Bill calls itself, a general tariff, while other members of the government declare it to be a free trade tariff, as far as circumstances would permit them to go. Then if we take the protective section, if I may use that expression, of the cabinet, they declare that it is protective in its character, more so than the old protective tariff introduced by the late government. They will tell us next that it is a preferental tariff, and in addition to that a new tariff, new altogether to Canada modelled to a certain extent on the existing tariff in France. What is called there a more favoured nation clause, with us is termed an intermediate tariff. That is a tariff which can be extended by an order in council to any country that will reduce its tariff to a basis similar to that upon which our tariff is fixed. And then again, in one of its features, it can be termed a reciprocity tariff, because power is given to the Governor General in Council to extend to a certain extent reciprocal relations with other countries which are prepared to respond. Then there is another clause in the tariff that is termed in the regulation 'a dumping tariff', and, in addition to that, there is a still more important provision, and that is, it is really an order in council tariff. If you look at the regulations guiding it, you will find that the power is given in these regulations, no less than nineteen times, to the Governor in Council to change, alter and amend the tariff in certain particulars. Or, in other words, relegating to the Governor in Council a power which should be exercised wholly and solely by parliament itself. We remember the denunciations which were hurled against the previous government when parliament inserted a clause in the old tariff giving power to the Governor in Council to do and perform certain acts. Here it is not only duplicated but the power is extended ninety-nine per cent by placing the power in the hands of the Governor General to deal with the tariff and the collection of the revenue, more than ever was contemplated by the late government. So that looking at the tariff as it is proposed now, we have a general tariff, a partial free trade tariff, a partially protective tariff, a revenue tariff, a preferential tariff, an intermediate tariff, a reciprocal tariff, a dumping tariff, and a Governor in Council tariff, all embodied in one measure. That is what we are asked to consider at the present moment.

Hon. Mr. SCOTT—A good money-making tariff.

Hon. Sir MACKENZIE BOWELL—No object can be obtained in my detaining the House by going into the details of this Act.

I was, as the hon. gentleman properly pointed out, misled last night looking at the Bill without investigating the power which is given to the Governor in Council in the Customs Act, and could come to but one conclusion, and that was, that the tariff imposed upon articles imported, and which entered into the manufactures of Canadian products, was confined to those articles which were manufactured for home consumption. Some misapprehension has occurred in reference to the actual meaning of the word 'home consumption.' In reading the Customs Act, and in reading all the tariffs which have been upon the statute-books for years, you will find that 'home consumption' is interpreted to mean an article that is sold in the market from whence it is exported. Hence the tariff provides that the duty levied upon an article must be the fair market price at which it is sold in the country from whence it is exported. That principle having been violated so often, a dumping clause was introduced in the tariff which imposes a duty of fifteen per cent additional upon an article which comes within the meaning of the dumping clauses, or, in other words, after it is sold for export in the country of production at a price which is lower than it is sold for home consumption. But there is something in these regulations which puzzled me, and I should like my hon. friend to explain it. I find that this dumping clause is not applied to articles that are on the free list. Why there should be any reference to a dumping clause in connection with an article which is upon the free list I am at a loss to understand. Take for instance binder twine: That is placed upon the free list. If it is bought in the United States at a sacrifice price, how and in what way does the dumping clause apply? The object in placing an article, whether it be the raw material or not, upon the free list, is to enable the manufacturer in this country to manufacture his wares for home consumption and sell them as cheaply as possible, and consequently it matters not to the revenue, if an article which goes into the manufacture of binder twine, or binder twine itself, if he could buy it at 50 or 75 per cent less for exportation, whether there is a dumping clause or not. I have read this regulation once or twice, and I must confess I have not been able yet to form an opinion as to the reasons why it is made to apply or why it should apply under the circumstances. But there are other things in these regulations—I do not propose to enter into a discussion the tariff itself—to which I propose to call attention. While power is left with the Governor in Council, under the Customs Act, to regulate the rebates of duties paid upon articles which go into the manufacture of goods which are exported, a new principle has been adopted in this proposed tariff, and that is to give a rebate of 99 per cent upon articles which are imported into Canada, and which enter into the manufacture of certain articles as they are mentioned here. Why, instead of putting a clause of this kind in the tariff, could you not have said that the duty on the articles mentioned in this schedule should be one per cent, because that is really the rate which they pay? The answer, I presume, would be this: that if you import, for instance, oil, fuel and other articles, not machinery, that enter into the cost of manufacturing binder twine in Canada, 99 per cent of the duty is given as rebate; but if oil, fuel and other articles, not machinery, are imported into Canada for any other purpose, then the party using them would have to pay the duty. Now in this particular item, without going through the whole of them, oil and fuel—that comprises everything else that is required in the way of raw material in the manufacture of these articles. This would admit into Ontario, from Pennsylvania and into the oil regions all the bituminous coal that they would require, or wood fuel for that matter, though there is very little of it imported—for the manufacture of binder twine. I do not know if the coal oil fields down in the province of Quebec have ever been successfully worked or not, but if they were in operation then the importation of coal would be made free there for that purpose and come in competition with the Nova Scotia coal fields; but if imported for any other purpose it would be dutiable. Let me put it in another way; this rebate of 99 per cent upon articles mentioned in schedule B, when used for the manufacture of the articles specified there, is introducing the principle of drawback, altogether beyond the principle which had ever prevailed in the past. Let me give an illus-

tration. We know of the agitation that arose in the Northwest, and also in certain portions of Ontario and other provinces in favour of free trade in agricultural implements. The government has reduced the tariff 2½ per cent upon certain implements that are used by the farmers in the carrying on of their industry, such as reaping machines, &c. In doing that they met, to the extent of 2½ per cent, the demands which had been made by the agriculturists; but they turn around and more than compensate the manufacturers of agricultural instruments by a rebate of 99 per cent on the articles mentioned here that are imported into the country, and used in the manufacture and completion of those implements, so that it enables the politician when he goes on the stump to say, 'Oh, have we not relieved you of $2½ per cent on the price of every implement that cost you $100?' But I venture the assertion that they will forget altogether to tell them that they more than compensated the agricultural implement makers by the reduction of the duty upon articles that go into the manufacture of these implements. It strongly reminds me of a little incident that occurred some years ago with an Ontario politician, when the issue at the elections was in relation to the usury laws.

My right hon. friend the Minister of Trade and Commerce will remember when there was an agitation, principally in Ontario, against the repeal of the usury laws, in the old parliament of Canada and the question arose as to whether there should be free trade in money, or a fixed rate. I found in looking at the Votes and Proceedings that one member had voted to fix the rate at 6 per cent, that during the same session he had voted to fix it at seven per cent, and a little further on to fix it at eight per cent, and then, to cap the climax, he voted to throw out the Bill altogether. This enabled him when attacked by an elector to refer to his vote which met every phase of the question. It is the same here. You may go to the people and say we have done so and so to meet your requirements, but they forget to say they have given the manufacturer, whom they condemned so vigorously, more than a compensating price for decrease in the tariff. I have under my hand the figures showing the drawbacks which the manufacturers would receive on certain articles such as reaping machines, mowing machines, and I find that they are actually better off under the present tariff than they were under the twenty per cent tariff. I notice in a statement made in another place that the government have reduced the duty upon agricultural implements two and one-half per cent, yet the manufacturers increased the price of the article five dollars per machine. The Minister of Customs answered that statement, to my mind, in a childish way. 'Why, he said, if that be the result of reducing the tariff two and one-half per cent, if we reduce it further you will have to pay ten dollars more, on each machine.' Anybody knows very well that the prices of manufactured articles depend to a very great extent upon, first, whether they have an actual monopoly and second on the price of the raw material which enters into the manufacture of the article, or the wages which prevailed, and not upon such a childish idea as that to which I have called attention. This home consumption drawback is tantamount to making free trade in articles which will assist the manufacturer. I have seen in these articles the difference in the preferential tariff. I find that paragraph 1, of section 3, reads as follows :-

1. The rates of customs duties, if any, set forth in column 1, 'British Preferential Tariff,' shall apply to goods the produce or manufacture of the following British countries when imported direct from any British country :—

(a) the United Kingdom ;

(b) the British colony of Bermuda;

(c) the British colonies commonly called the British West Indies, including the following:—the Bahamas, Jamaica, Turks and Caicos Islands, the Leeward Islands (Antigua, St. Christopher-Nevis, Dominica, Montserrat and the Virgin Islands), the Windward Islands, (Grenada, St. Vincent and St. Lucia), Barbados, Trinidad and Tobago ;

(d) British Guiana;

(e) British India;

(f) Ceylon ;

(g) Straits Settlements;

(h) New Zealand ;

(i) Cape of Good Hope ;

(j) Natal;

(k) Orange River Colony ;

(l) Transvaal;

(m) Southern Rhodesia;

(n) any other British colony or possession admitted to the benefit of the British Preferential Tariff in Canada, in the manner hereinafter provided ;

What constitutes a direct importation? It evidently does not contemplate by that wording the importation of the article from a British port direct to a Canadian port, by a Canadian or a foreign vessel. I presume this has been interpreted that an importation, if made through the United States or any other foreign country, is a direct importation if it is carried through in bond.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is correct. That is the interpretation I believe.

Hon. Sir MACKENZIE BOWELL—That is the interpretation the late government put on it.

Hon. Sir RICHARD CARTWRIGHT—I think that interpretation has never been disturbed.

Hon. Sir MACKENZIE BOWELL—But my hon. friend will remember that in order that that interpretation of the law should not apply to sugar, there was a special provision in the old Act that the sugar must come direct and not through in bond. That only establishes the interpretation which I put on that clause, confirmed by my hon. friend; but I notice the fifth paragraph is the result of a motion which was made by the hon. gentleman from Cumberland in the lower house by which he desired to confine the direct importation to goods brought from England or those portions of the empire that enjoy preferential tariff, by British or foreign ships to a Canadian port. The feeling in the House was in favour of that proposition and it is one I think that ought to have been adopted. In order to side-track that motion this proposition was made by the Minister of Finance and added to the clause:

5. On and after a date to be named the Governor in Council, in a proclamation published in the 'Canada Gazette,' the British Preferential Tariff shall apply only to goods brought into Canada by ship direct to a Canadian seaport.

The motion of the member from Cumberland was side-tracked by giving power to the Governor in Council to declare that the direct importation should be as is indicated in this provision. Now that is a very serious and important power that is vested in the Governor in Council. I question very much whether the hon. gentleman will ever put it in force, but they accomplished their object, which was to get rid of the difficulty in the House of Commons when they found a majority of that House in favour of the principle embodied in the resolution. My own hope is that they will enforce it. It would be, first of all, an incentive to shipbuilding, and a great assistance to our shipping interests. Then there is another clause which provides that the article must be the product of those portions of the British empire which enjoy the preference. The words are 'must be manufactured, or a substantial portion manufactured'. Under this clause, articles can be and are brought in an unfinished state from Germany to England and there finished, and sent to Canada as the product of British industry. The law says that at least two-thirds of the value must be the result of British industry, yet the law is constantly violated. If I were in the other House, I should deal with this matter more minutely. I could give many instances in which articles manufactured in Germany are imported under the preferential tariff on the pretense that they have been partially manufactured in England, when in fact all that has been done to them in England has been of a very minor character. So long as there are dishonest importers that clause will be taken advantage of, and it is opening the door to a very dangerous practice. There are a good many other objectionable features in this tariff that I shall not occupy the time of the House in discussing, since there is no object in doing so. There are features of the Act which the Minister of Customs will have difficulty in carrying out. What I object to is the extraordinary power given to the Governor in Council, by which they can set aside the operations of the law, by its repeal. The Governor in Council have the power to abrogate the preferential part of the tariff. They have the power to declare what countries shall be entitled to the benefits of the intermediate tariff, and, if it is ever exercised, it will result in materially affecting the manufacturing industries of this country, because no manufacturer who has invested his money in any industry in Canada will feel safe so long as the Governor in Council has power to put this intermediate tariff in force. The tariff may be reduced to such an extent as to destroy any industry.

However, I am very glad to know that the present government, notwithstanding the fact that some of its members have been strong free traders, disciples of Mill and other political economists of the same stripe on this question, have so far surrendered their convictions—I have every reason to believe they were honest in the views they expressed in opposition—have so far reformed as to become to a very great extent ardent protectionists. 'Oh,' they say, 'we are obliged to continue a protective policy for the reason that you so involved the country in debt that we must have a tariff. I remember when my hon. friend opposite used to preach the doctrine that a high tariff lessened the revenue, and that a lower tariff would increase the revenue by stimulating importations. If the late government left the country in debt to such an extent as to render it necessary to continue the protective policy, what will be the result of the present increased and constantly increasing indebtedness, and what will the tariff be in a very few years? If protection is to be the saving of the Dominion in the future, based upon the debt of the country, then when it goes up a few hundred million dollars more our tariff will have to be higher than that of the United States. If the spirits of our former selves could haunt us, the spirit of the Minister of Trade and Commerce would follow him night and day reminding him of his former utterances on the subject of free trade. This tariff is such a departure from the principle which the right hon. gentleman once professed, such an abnegation of principles which were professed by the Liberal party before they came into power, that I felt myself justified in dwelling at some length upon the subject to-day.

Hon. Mr. GIBSON—Last night the hon. Secretary of State said that only upon one occasion had the House of Lords exercised their prerogative in dealing with the Tariff Bill, and that was with respect to the paper duties. I was very glad to hear the hon. gentleman mention that one exception, because it gives me an opening to lay before the representatives of the government here, and the members of this House, a few facts in connection with the paper duties in this country. It is well known that paper has become a very important factor in the construction of buildings, especially in the newly settled sections of the country. It is used as sheeting between the lumber on the inside and outside of houses, and in the roofing of buildings for the purpose of protecting the slate or shingles. It not only protects houses from frost, but it reduces the cost of insurance, because it is a safeguard against fire. I bring up this matter in the hope that the acting Prime Minister will exercise the power vested in him under this tariff, either by order in council or otherwise, to put a stop to a paper combination. The subject which I wish to call attention to is one of a very important character. Through amalgamation and the protection given to the paper manufacturers of Canada, they have formed themselves into a combination for the purpose of controlling the manufacture of this sheeting, and tarpaper. The headquarters of the combination is in Toronto, and its agents are Jenkins & Hardy. These gentlemen have so manipulated the business that they have secured the admission of coal tar free of duty. The government, heedless of representations made to them to put a duty on tar produced from the manufacturing of coal gas, admit it free, though our gas companies have to pay duty upon the coal they import, whereas the gas companies of the United States pay no duty on their coal. Consequently, the United States manufacturers can afford to sell their tar at prices that the Canadian manufacturer cannot touch. The Canadian producers of tarred paper can get from the United States all the tar they require for the purposes of their business, and with what result ? Coal tar at one time was worth $3.50 a barrel. I am not in a position to say what the combine pays for it in the United States, but I know that they ask the Canadian manufacturers of artificial tar to supply them with coal tar at from 80 cents to $1.50 a barrel, while the roofers, carpenters, slaters, and contractors who require to use that tar have to buy it through Jenkins & Hardy at $3.50 and $4 a barrel. Then they cannot import felt paper, because there is a duty upon it, and they cannot buy that paper from the manufacturer because he is in the combination, and a dealer cannot buy it in the trade unless he procures it from the combination. He has, at the end of the year, to take a cast-iron

oath that he has not bought one single article embraced in the schedule, which I am about to read, outside of the combination, and in consideration of that he gets a reduction of 10 per cent on his invoices at the end of the year. I wish to point out the unfairness with which our Canadian companies are treated. Now this combine have got to be very audacious; they simply tell the trade what they have to pay, and where they must get the different products, and there is no redress. I am glad to know from the hon. Secretary of State that the government can deal with the paper duties, and, if they can, here is their opportunity. I will now read the communication to which I have referred :—

Re Tarred Paper Maunfacturers Association.

Gentlemen,—We beg to advise you that the association now consists of the undersigned and that for the year 1907 the same quantities and premiums subject to the same conditions as were in force for the year 1906 will apply.

Kindly acknowledge receipt on the inclosed form to Messrs. Jenkins & Hardy, Toronto, and oblige.

Yours truly,

Carritte Paterson Manufacturing Company, St. John, N.B., and Halifax, N.S.
Dominion Paper Company, Montreal.
W. J. Findlay & Company, Strathcona.
J. Ford & Company, Portneuf.
Hamilton Tar Distilling Company, Hamilton.
Lockerby & McComb, Montreal.
A. McArthur & Company, Montreal.
Merrick, Anderson & Company, Winnipeg.
Northumberland Paper and Electric Company, Campbellford.
Paterson Manufacturing Company, Toronto and Montreal.
St. Croix Paper Company, Halifax.
Sault Ste. Marie Pulp and Paper Company, Sault Ste. Marie.
Sanderson Manufacturing Company, Sydney, N.S.
The J. C. Wilson Company, Montreal.

These are the people who have combined into what they call the Tarred Paper Manufacturers' Association, and they hold up the trade and the people of the Northwest where this article is used in large quantities in the construction of buildings. Through this combination the settlers of the Northwest are obliged to pay 30 to 50 per cent more than the articles are worth. Surely in the face of what I have pointed out, the hon. Secretary of State might move in this House with regard to the paper duties. I have here a statement respecting coal tar, which has been supplied to me by Mr. John Bain, one of the most careful men in the Department of Customs. For the year 1900 the importations of coal tar and pitch into Canada amounted to 1,615,492 gallons, valued at $73,000; in 1901 $88,000 worth, in 1902 $98,000 worth; in 1903 $61,000 worth; in 1904, which is the latest return I have, $122,598 worth of coal tar and pitch was imported for the purpose of manufacturing tar paper. The total amount was 1,931,027 gallons of tar. In addition to that there was imported of coke the following amounts :

In 1900, $506,000; in 1901, $680,000; in 1902, $842,000; in 1903, $1,222,000; in 1904, $765,123.

Now these gentlemen have so regulated their business that at each point they give to the trade a list of prices free on board of cars. I have read to the House the increase in prices that has been made in the schedule of this year over the schedule of last year. They are feeling so confident in their power that they have taken the liberty of seizing the people by the throat and increasing the prices of what are actual necessities of life, and I have only to appeal to hon. gentlemen who have spent the best part of their days in the Northwest to say what a necessity this very article of tarred paper is to the people settled in that part of Canada. Yet, by an Act of parliament, and by want of care on the part of the government, a combination of this kind is allowed to force the people of the Northwest and everywhere throughout the country to pay two prices for a necessary article.

Hon. Mr. LOUGHEED—To what item in the tariff does my hon. friend refer?

Hon. Mr. GIBSON—The Secretary of State said last night that we had no precedent for the Upper House changing the tariff, except one, and I say that precedent gives this House an opportunity to make a change with respect to the paper duties.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman did not understand the Secretary of State correctly. He said we have the power to strike out any one article, as they did in the House of Lords in reference to the paper duties. So that if my hon. friend desires to strike out the item of which he is complaining, all he has to do is to move to strike it out.

Hon. Mr. GIBSON—Surely the hon. gentleman would not ask me to go on and make

bald motions without giving some reason for it ?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given a first rate reason why it should be done.

Hon. Mr. GIBSON—I am trying to convince the House—I may not be successful—that there is a combine of the paper trade, and how the tariff has been manipulated by these gentlemen.

Hon. Mr. POWER—Would the hon. gentleman be kind enough to explain how, by putting a duty on coal tar and other by-products, you can reduce the price of those articles to people in Canada ; and how putting a customs duty on these articles will render the combine less powerful ?

Hon. Mr. GIBSON—There is a duty on paper; the combine simply make the paper, and because of the coal tar coming in free from the United States they give the Canadian gas companies any price they like for it. The result is that whereas coal tar was sold for $3.50 per barrel by the gas companies some years ago, this combine now offers the gas company in the city of Ottawa something like 80 cents a barrel for it. Practically speaking there is very little of the tar that is the product of the Canadian gas companies, being brought by the tar paper combine. They imported in 1900 coal tar from the United States to the extent of 1,931,000 gallons. If there were no duty on the paper everything would be equal. It is on account of the peculiar conditions that these men have gone into a combine, and they have allotted to each part of the country a certain class of paper to make ; as a result no one can buy any of this paper except through the combine. When there is anything in the shape of a combine in restraint of trade, I know that it is the policy of the government, and it should be the duty of the government, to absolutely destroy any arrangement that is made to compel people to pay two prices for an article which is an absolute necessity in the country. The document I shall now read to the House is a schedule which was issued by and on behalf of the tar paper manufacturers, and signed by Jenkins & Hardy, the agents of the combine in Toronto. They are not manufacturers. They are only the men who manipulate the combine, and get all the companies together. This is dated January 4th, 1906, and reads as follows :

No. 723. January 4, 1906.

Tarred Paper Manufacturers' Association Schedule of prices, &c.—Prices and discounts subject to change with or without notice.

Gentlemen,—We beg to give you notice of the following prices, &c.:

Tarred felt, per 100 pounds—

$2 f.o.b Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, Nova Scotia, and St. John, New Brunswick.

Two and three-ply ready roofing—

2 ply, per roll, not under 45 pounds, 95 cents f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax and St. John, New Brunswick.

3 ply, per roll, not under 65 pounds, $1.20 f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax and St. John, New Brunswick.

Wire edge, 10 cents per roll extra.

Special wire edge, 2 and 3 ply ready roofing—

2 ply, 55 pounds to roll.

3 ply, 80 pounds to roll.

30 cents per roll extra f.o.b. Halifax and St. John, New Brunswick.

Squares of ready roofing, complete, provinces of Ontario and Quebec—

Consisting of 1 roll, 3 ply, 2 gallons roof coating, 1 pound tin caps and 1 pound wire nails, $1.60 per square.

Consisting of 1 roll, 2 ply, 2 gallons roof coating, 1 pound tin caps and 1 pound wire nails, $1.40 per square.

F.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton and London.

Wire edge, 10 cents per square extra.

Roof coating—

In barrels, 17 cents per gallon with no charge for packages.

In small packages, 25 cents per gallon. No charge for packages.

Four gallon packages to be the minimum.

F.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, N.S., and St. John, N.B.

Shingle varnish—

Standard barrel, 40 gallons imperial measure, nothing less than this to be used, $4.50 per barrel, f.o.b Quebec, Montreal, Campbellford and Toronto.

Tar—

Standard barrel, 40 gallons imperial measure. Nothing less than this to be used.

Refined tar, $5 per barrel f.o.b. Quebec, Montreal, Campbellord and Toronto.

Coal tar, $4 per barrel f.o.b. Quebec, Montreal, Campbellford and Toronto.

Coal tar in less quantities, 15 cents per gallon f.o.b. Quebec, Montreal, Campbellford and Toronto.

Coal tar, $4 per barrel f.o.b. Halifax, N.S.

Roofing pitch, for province of Quebec and city of Ottawa—

80 cents per 100 pounds or blast furnace, Scotch pitch less 15 per cent off invoice.

60 cents per 100 pounds for gas pitch. No allowance off invoice.

For province of Ontario except city of Ottawa, 80 cents per 100 pounds for any kind of pitch.

For maritime provinces, 90 cents per 100 pounds for any kind of pitch, f.o.b. Campbell-

ford, Toronto, Hamilton, London, Quebec, Montreal, St. John, N.B., and Halifax, N.S.
Carpet and deadening felt—
$50 per ton, f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, St. John, N.B., and Halifax, N.S.
Sheathing—
(Surprise) white sheathing, 42½ cents per roll of 15 pounds.
Dry grey or straw, or No. 2 dry fibre, 40 cents per roll, 400 square feet, 17 pounds minimum weight.
Tar grey or straw, or No. 2 tarred fibre, 50 cents per roll, 400 square feet.
No. 2 fibre brands are as follows :
Anchor No. 2, Beaver, Blue Felt No. 2, Good Luck No. 2, Empire No. 2, Joliette, Tarred or Dry.
No. 1 dry fibre, 55 cents per roll, 400 square feet, 15 pounds minimum weight.
No. 1 tarred fibre, 65 cents per roll, 400 square feet.
No. 1 fibre brands are as follows : Anchor No. 1, Blue Belt No. 1, Empire No. 1, Maple Leaf, Good Luck No. 1, Cyclone.
O.K. and I.X.L., 70 cents per roll, 400 square feet, 17 pounds minimum weight.
Resin sized, 45 cents per roll, 400 square feet, 17 pounds minimum weight.
Oiled sheathing, $1 per roll, 600 square feet, 17 pounds minimum weight.
Oiled sheathing, 70 cents per roll, 400 square feet, 17 pounds minimum weight.
Slaters' felt—
Brands : Star, Crown, Owl, 60 cents per roll, 25 pounds minimum weight.
F.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, N.S., and St. John, N.B.
Heavy straw sheathing—
400 square feet, 35 pounds minimum weight :
$35 f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton and London.
$37.50 f.o.b. Halifax, N.S., and St. John, N.B.
Freights may be equalized on Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax and St. John.
No freight equalization will be allowed except upon direct shipments by manufacturers.

Very truly,

(Sgd.) JENKINS & HARDY.

I shall now submit for the information of the House their schedule for this year, showing the advance of prices :

No. 787. January 12, 1907.

Tarred paper, &c., schedule of prices, &c.—
Prices and discounts subject to change with or without notice.

Gentlemen,—We beg to give you notice of the following prices, &c.
Tarred felt, per 100 pounds—
$2.25 f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, N.S., St. John, N.B., Sydney and North Sydney, N.S.
Two and three ply ready roofing—
2 ply, per roll, not under 45 pounds, $1 f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, St. John, N.B., Sydney and North Sydney, N.S.
3 ply, per roll, not under 65 pounds, $1.25 f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, N.S., St. John, N.B., Sydney and North Sydney, N.S.
Wire edge, 10 cents per roll extra.



Special wire edge, 2 and 3 ply ready roofing—
2 ply, 55 pounds to roll.
3 ply, 80 pounds to roll.
30 cents per roll extra, f.o.b. Halifax, St. John, N.B., Sydney and North Sydney, N.S.
Squares of ready roofing, complete, provinces Ontario and Quebec.
Consisting of 1 roll 3 ply, 2 gallons roof coating, 1 pound tin caps and 1 pound wire nails, $1.60 per square.
Consisting of 1 roll 2 ply, 2 gallons roof coating, 1 pound tin caps and 1 pound wire nails, $1.40 per square.
F.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton and London.
Wire edge, 10 cents per square extra.
Roof coating—
In barrels, 17 cents per gallon, with no charge for packages.
In small packages, 25 cents per gallon, with no charge for package.
Four gallon packages to be the minimum.
F.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, N.S., St. John, N.B., Sydney and North Sydney, N.S.
Shingle varnish—
Standard barrel, 40 gallons, imperial measure, less than this to be used, $4.50 per barrel, f.o.b. Quebec, Montreal, Campbellford and Toronto.
Tar—
Standard barrel, 40 gallons imperial measure, nothing less than this to be used.
Refined tar, $5 per barrel, f.o.b. Quebec, Montreal, Campbellford and Toronto.
Coal tar, $4 per barrel, f.o.b. Quebec, Montreal, Campbellford and Toronto.
Coal tar in less quantities, 15 cents per gallon, f.o.b. Quebec, Montreal, Campbellford and Toronto.
Coal tar, $4 per barrel, f.o.b. Halifax, Sydney and North Sydney, N.S.
Roofing pitch, for province of Quebec and city of Ottawa—
65 cents per 100 pounds for blast furnace, Scotch pitch.
80 cents per 100 pounds for gas pitch, Boston and Sydney pitch.
For province of Ontario except city of Ottawa, 80 cents per 100 pounds for any kind of pitch.
For maritime provinces, 90 cents per 100 pounds for any kind of pitch.
F.o.b. Campbellford, Toronto, Hamilton, London, Quebec, Montreal, St. John, N.B., Halifax, Sydney and North Sydney, N.S.
Carpet felt and deadening felt—
$60 per ton, f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, St. John, N.B., Halifax, N.S., Sydney and North Sydney, N.S.
Sheathing—
(Surprise) and Soo white sheathing, 45 cents per roll of 15 pounds.
Dry grey or straw, or No. 2 dry fibre, 40 cents per roll, 400 square feet, 17 pounds minimum weight.
Tar grey or straw, or No. 2 tarred fibre, 50 cents per roll, 400 square feet.
No. 2 fibre brands are as follows : Anchor No. 2, Beaver, Blue Felt No. 2, Good Luck No. 2, Empire No. 2, Joliette, Soo, Tarred or Dry.
The special trade discount formerly allowed off invoice on Surprise white sheathing, No. 2 dry fibre and No. 2 tarred fibre is cancelled.
No. 1 dry fibre, 55 cents per roll, 400 square feet, 15 pounds minimum weight.
No. 1 tarred fibre, 65 cents per roll, 400 square feet.

No. 1 fibre brands are as follows : Anchor No. 1, Blue Felt No. 1, Empire No. 1, Maple Leaf, Good Luck No. 1, Cyclone.

No. 2 fibre brands : Sunrise and Red Cross.

O.K. and I.X.L., 70 cents per roll, 400 square feet, 35 pounds minimum weight.

Resin sized, 45 cents per roll, 400 square feet, 17 pounds minimum weight.

Oiled sheathing, 70 cents per roll, 400 square feet.

Slaters' felt—

Brands : Star, Crown, Owl, 70 cents per roll, 25 pounds minimum weight.

F.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, N.S., St. John, N.B., Sydney and North Sydney, N.S.

Heavy straw sheathing—

400 square feet, 35 pounds minimum weight.

$35 f.o.b. Quebec, Montreal, Campbellford, Toronto, Hamilton and London.

$37.50 f.o.b. Halifax, N.S., St. John, N.B., Sydney and North Sydney, N.S.

Freight may be equalized on Quebec, Montreal, Campbellford, Toronto, Hamilton, London, Halifax, St. John, Sydney and North Sydney, N.S.

No freight equalization will be allowed except upon direct shipments by manufacturers.

Sault Ste. Marie, Ontario, is not a free delivery point, nor is freight equalized thereon. Upon shipments from Sault Ste. Marie freight will be equalized on the cheapest of the f.o.b. points enumerated above.

Yours truly,

(Sgd.) JENKINS & HARDY.

I think I have been able to prove to hon. gentlemen that this combine ought to be severely dealt with by the government, and should not be allowed to go on as they have been doing. There is no other way in which they can bring them to task, except to allow the people of this country to import tar paper or felt from Great Britain or anywhere else, free of duty. The duty should be removed on all paper of which these people now have a monopoly. No one is allowed to buy a single pound unless he is in the trade, and the retail dealer has simply to pay the price that the combine dictates to him. He is not allowed to sell it at one cent a pound less than the combine decides upon in the schedule I have read to the House. If a dealer sells any article that these people control at a price under the schedule, then the combine refuses to give him any more business to handle. That is the state of affairs that exists at the present moment, and I think it is one worthy of the attention of the right hon. leader of the government for the time being, and while I will not go so far as to suggest to my hon. friend to remove the duties from the paper, I earnestly call the attention of my right hon. friend to the condition of the trade, which I have endeavoured to do in as brief a manner as possible.

Hon. Sir MACKENZIE BOWELL—Do the hon. gentleman's remarks apply to paper of all descriptions or simply to tar paper ?

Hon. Mr. GIBSON—All kinds of paper used in the construction of houses, dry paper and tar paper of every kind.

Hon. Sir MACKENZIE BOWELL—Not newspaper ?

Hon. Mr. GIBSON—No.

Hon. Mr. SCOTT—The hon. gentleman has evidently made a study of this question, and if he had instructed some member of the legal profession to take up the matter under the criminal law, he could have had those parties prosecuted. There is no reason why that state of affairs should exist. It does not rest with the federal government to put in force the laws of the country. The law says that a conspiracy in restraint of trade is an agreement between two or more persons to procure or do an unlawful act in restraint of trade. The penalties are very serious, and the parties are easily reached. It did not want one-tenth of the evidence that my hon. friend has exhibited to this House, in order to convict these persons and penalize them in large sums. The clause of the statute reads as follows :

Every one is guilty of an indictable offence and liable to a penalty not exceeding $4,000 and not less than $200, or to two years imprisonment, or, if a corporation, is liable to a penalty not exceeding $10,000 and not less than $1,000 who conspires, combines or agrees with any other persons, and so on, 'to restrain or injure trade and commerce in relation to any such article or commodity,' &c., or unduly prevent or limit or lessen the manufacture of any such article, or unreasonably enhance the price, or to prevent competition in the supply of any such article.

There is the law of the land, and it is open to my hon. friend to institute legal proceedings on a matter in which he seems to have taken for some considerable time a very deep interest. I would like to know if my hon. friend has brought the subject to the attention of the government ? I had not heard of it, certainly, and it does not rest with the federal authorities to enforce the criminal laws of the land. That is a duty of the province. It is open to any individual. Any person can lay an in-

formation and go before the grand jury at any of the assizes and have a stop put to this combine. It is idle to blame the government of the day because the combine exists. Wherever we have known combinations to exist, proceedings have been taken. If the hon. gentleman had brought this to the attention of the government, they would have taken action in reference to it. When complaint was made that a combine existed amongst the manufacturers of newspaper, the government at once made a public announcement that paper would be placed on the free list unless they came to a reasonable figure, and it of course broke up the combine. Naturally the federal government cannot be aware of all the criminal laws that are being broken throughout the country, and I presume there are other combines. Every one is so engaged in making money in his own business, and the country is in such a state of intense prosperity, that the demand for goods cannot be supplied, whether it be metals, cottons, machinery or any other line of industry. Manufacturers will tell you that they cannot supply the demand. There is the law and it is open to any one to take proceedings against a combine, and any one who does so will be doing a benefit to the people of Canada, even by disclosing the facts without taking any action.

Hon. Mr. GIBSON—I have found the item under which this whole thing is framed. Item 199 of the tariff.

Hon. Mr. LOUGHEED—Without having any intention of discussing the tariff I should like to take exception to the principle laid down by the hon. Secretary of State with reference to the obligation of private individuals in enforcing the law as to the violation either of the Criminal Code or of the provisions of the Tariff Act. I would ask my hon. friend why has the government taken power—and it has taken power for sometime—to place upon the free list any item regarding which there may be a combination ?

Hon. Mr. SCOTT—Before the charge is made, you should say how the government are to be advised of it.

Hon. Mr. LOUGHEED—If the hon. gentleman will look at the Act he will see that the most effective machinery can be set in motion by clause 12.

Hon. Mr. GIBSON—The government is better able to do that than the individual.

Hon. Mr. LOUGHEED—I must certainly take exception to the views expressed by the hon. Secretary of State. My hon. friend might as well say 'Why should not a private individual set the law in motion for a violation of the Customs Act, or of any of the other laws of the Dominion ?' The government is here to administer the laws of the Dominion and to see that the spirit of the tariff is not violated by any combination or trust such as that referred to by the hon. gentleman from Lincoln. I take exception to the general principle laid down.

Hon. Sir RICHARD CARTWRIGHT—But the government must have their attention called to it.

Hon. Mr. LOUGHEED—I quite conceive that. But the Secretary of State laid it down emphatically that the duty devolved upon the individual of setting the criminal law in motion, and overlooked the fact——

Hon. Mr. SCOTT—I said it was open to any individual.

Hon. Mr. McMULLEN—This is certainly an exceedingly important discussion, and I think the hon. gentleman from Lincoln deserves credit for bringing the question before the House. While I admit that the law is as represented by the Secretary of State, everybody knows that any private individual that wants a few dollars worth of tar paper is not going to put the law in motion in order to punish the combination. He knows that he has to struggle with a very formidable organization when he assails that combine, and it will take money, time and trouble to bring these men before the court and have them punished. I give the government credit for the provision they have made. I think they have taken many steps in the right direction, and a step in the direction of providing for the punishment of people who are guilty of forming combinations to rob the consumers of this country is commendable. They have appointed an inspector to protect the farmer in the measurement of binder twine. Why did they do that ? Simply because they wanted to see that the agricultural interest

is not robbed, is not cheated in the purchase and use of binder twine. If it is right to protect the farmer from being robbed by a shortage in the binder twine he purchases, would it not be right also to appoint an inspector that would carefully look into all such questions as this and see that information is lodged against the guilty, and that they are punished ? I agree with the leader of the opposition. It is the duty of the government to protect the people of this country from being fleeced by organizations of that kind. The government has done well, and I give them credit for what they have done, but I want them to go a step further and appoint half dozen men if necessary, one for each province, who will quietly and secretly look into these combines, and the moment that he discovers that any combine, such as the one that my hon. friend has called attention to, exists he would take steps to punish them, as the inspector of binder twine endeavours to punish those who sell short weight twine. I give them credit for the appointment of the binder twine inspector. He has rendered good service to the government and to the country in punishing those who try to palm off twine which does not contain the regulation length. Let us have more such appointments. Let us have men who will look after the interests of the consumers of this country. We want to see that our manufacturers get a fair chance, and we want to see them live. I myself want to see every manufacturer in Canada that can reasonably hope to live, get a fair opportunity ; but where men will combine together in an organization such as has been described by my hon. friend from Lincoln, for the deliberate purpose of robbing the people of this country under the operation of the tariff, I say that the article on which they have formed a combine should either be placed on the free list, or a man should be appointed to secretly inquire into the methods and ways of the people who have formed these organizations, and see that they are punished.

Subclause 2, of clause 12 reads as follows :

2. Whenever the Governor in Council deems it to be in the public interest to inquire into any conspiracy, combination, agreement or arrangement alleged to exist among manufacturers or dealers in any article of commerce to unduly promote the advantage of the manufacturers or dealers in such article at the expense of the consumers, the Governor in Council may commission or empower any judge of the Supreme Court, or of the Exchequer Court of Canada, or of any superior court or county court in Canada, to hold an inquiry in a summary way and report to the Governor in Council whether such conspiracy, combination, agreement or arrangement exists.

Hon. Mr. GIBSON—That is the government, not the individual.

Hon. Mr. McMULLEN—But I am not disposed to overload the government with so much work. All that I want is that they should do their part and see that the people are protected from thieves who combine to restrict the output or enhance the price of any necessary of life.

I say that we should unitedly endeavour to do that, because there are too many of them in the United States. That country is honeycombed with organizations of this kind. The people there have been robbed —have been pauperized. They are becoming more and more pauperized by a law that permits this condition of things. The combine system is obtaining a footing in Canada No doubt the government, in many cases, passed laws to prevent it, and I give them credit for what they have done in that regard, and want them to go on and do more. I want them to see that the consumers in this country are not made the victims of combinations. I want them to see that the laws which have been enacted to protect the poor man, who is struggling to keep the roof over his head, are enforced. The settlers of the Northwest require tar paper to make their buildings warm to keep them from freezing. They must have it, no matter at what cost, and here you are allowing a combination to load them down so that it is almost impossible for them to procure that necessity. I feel strongly on this question. I hope that some step will be taken to destroy these combinations. No doubt the law permits any man to prosecute a combine, but there are very few among the great mass of consumers who can afford the time and money to take a combine into court. Very few can cope with an extensive organization that is loaded up with ill-gotten wealth taken out of the pockets of the people. Most men would rather submit to the imposition than undertake to put the law in motion against a combination. But the government can af-

ford to do it; they have the country at their back, and the Dominion purse to pay it, and they should do all they can to break up these combinations. I give the hon. member for Lincoln credit for what he has done to expose this tar paper combination.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell us what tar paper is made of ?

Hon. Mr. McMULLEN—There are many ingredients I dare say, among them coal tar, but whatever the ingredients are, the product is tarred paper. Coal tar is admitted free of duty, but tarred paper is protected. The duty is heavy, but the materials of which it is composed are admitted free. Being able to import it from the United States free of duty, they cut down the price of coal tar in Canada to a very low figure, while the duty on tarred paper is about 35 per cent.

Hon. Mr. WILSON—The leader of the opposition asks whether the government have done anything to prevent these combines. We know full well that they have. They have placed a law on the statute-book under which those who are aggrieved can bring these combinations before the court. Would the hon. member from Wellington have the government act as detectives for the purpose of preventing these things being done ? If they are to appoint inspectors to carry into effect all the laws upon the statute-book, they might employ the whole people of Canada. A more unreasonable charge than that made against the government of the day by the hon. member from Wellington I never heard on the floor of parliament. They are doing everything they possibly can do, and deserve the credit they are receiving at the hands of the majority of the people. If my hon. friend from Lincoln and my hon. friend from Wellington are not satisfied with what is being done by the tar paper manufacturers, we cannot help that. They may suffer ; if they suffer sufficiently severely, very likely they will bring an action in court, and in that way obtain redress.

Hon. Sir MACKENZIE BOWELL—The government did take action on the question of the paper duties. The publishers of newspapers and other consumers of paper in Canada brought to the notice of the government the fact that a combination existed and the government in that case acted under the provisions of the twelfth section of this Tariff Act. I do not think the hon. Secretary of State was correct in saying that they placed news paper on the free list.

Hon. Mr. SCOTT—They reduced the duty.

Hon. Sir MACKENZIE BOWELL—They reduced it, acting under this clause. That is the point, I take it for granted, that the notice of the government having been called to the fact that a combination exists they should have taken power under the 12th section of this Tariff Act to punish the parties by placing the article on the free list, and if the combine goes beyond that, then the criminal law steps in to prevent them. I am not going to argue the question of the combine in tarred paper. If I know anything about it, tarred paper is manufactured of straw principally, with the addition of the tar which is imported from the United States free. Whether the combination to which the hon. gentleman refers has increased the cost of tarred paper, I do not know, but the government have full power to act. Let me ask the government this question : When that odious combine to which attention has been called, in connection with the leather trade, was brought to the notice of the government, why did they not act ? Was it because one of their colleagues was largely interested in it ?

Hon. Mr. WILSON—Would my hon. friend tell me when, and under what circumstances, a tariff was imposed on articles coming into the country whereby combination could be formed ? Was it under this government or was it under the government which the hon. gentleman had control of ? He is the last man who should find fault or raise such a point on the present occasion.

Hon. Sir MACKENZIE BOWELL—I do not like to be personal, or to appear impertinent, but the hon. gentleman does not know what he is talking about.

Hon. Mr. POWER—There is one very important feature in this tariff as to which I seek a little light. Clause 3, subclause 2 provides that :

(2) The rates of customs duties, if any, set forth in column 2, 'Intermediate Tariff,' shall apply to goods the produce or manufacture of any British or foreign country to which the benefits of such intermediate tariff shall have been extended in the manner hereinafter provided, when imported direct from such foreign country or from a British country;

Then we come to clause 4, paragraphs (c) and (d) :

(c) from time to time, in consideration of benefits satisfactory to the Governor in Council, extend the benefit of the intermediate tariff, in whole or in part, to any British or foreign country the produce or manufactures of which have previously been subject to the rates of customs duties set forth in the general tariff, and from and after the publication of such order in the 'Canada Gazette,' the rates of duty set forth in the intermediate tariff so far as they are mentioned in the said order, shall apply to goods the produce and manufacture of such British or foreign country, when imported direct from such foreign country or from a British country, subject to the provisions of this Act ; and

(d) withdraw the benefit of the intermediate tariff from any country to which it has been extended, and from and after the publication of such order in the 'Canada Gazette,' the rates of customs duties set forth in the general tariff shall apply to goods the produce or manufacture of such country, subject to the provisions of this Act.

My difficulty is that no indication is given of the nature of the benefits which are to be conferred by the foreign country. Is it to be in a reduction of their tariff against Canadian products or what? We hear about the intermediate tariff, and we are legislating about it, and I am anxious to know just what it means.

Hon. Sir RICHARD CARTWRIGHT—We will take the case of a country like Belgium. Belgium has a low tariff, probably a good deal lower than the Canadian tariff, taken all round. It would be reasonable that as Belgium admits Canadian products at a very moderate rate of duty that Belgium should get the benefit of the intermediate tariff, and in all probability if Belgium applies for it—we want to be asked, of course, because there may be something to be said on the other side—she would get the benefits of the intermediate tariff after very little negotiation. They have these three grades of tariff as well as ourselves, and in such countries, if they gave us the benefit of their lowest or intermediary tariff, we might find it expedient to give them the benefit of our intermediate tariff either in whole or in part. Speaking unofficially as I might say, and subject to correction, I think it very probable it will be found in the case of these negotiations which will take place between ourselves and other countries, this will occur not infrequently, that proposals will be made to us that certain classes of Canadian goods will be admitted free or at lower rates if we will admit certain classes of their goods on the same terms. Party politics apart, I think both sides will agree that it is as well, looking at the position of these tariffs in other countries, that the government should have this power to negotiate. Of course, it is always in the hands of parliament to deal with these questions, and either condemn or approve of the action of the government after it has been taken ; but that is the object of the clause to which my hon. friend refers.

Hon. Mr. POWER—I am very much obliged to the hon. gentleman for the explanation he has given.

Hon. Mr. LOUGHEED—Can the hon. gentleman say when the government will probably negotiate for the extension of the intermediate tariff to those countries having such a low tariff as he has indicated? I might say in that connection, it seems to me very essential, in the interests of Canadian industries and the establishment of future industries, that this question should be determined at a very early day, owing to the uncertainty which at present prevails as to what the tariff really is. One can appreciate the desirability of that. For instance, a manufacturer desires to enter upon a particular line of industry to-day. He takes up the tariff and he is bound to calculate the worst against him, namely, his protection is no greater than it appears in the intermediate tariff, and if the matter is left open for a period of years it will operate, in my judgment, against the establishment of industries. If it is to be corried out in the limited degree mentioned by my hon. friend, the sooner it is done the better.

Hon. Sir RICHARD CARTWRIGHT—That matter is engaging the attention of the government at present, and with respect to several countries with which we more immediately deal, the opportunity is likely to be taken at the approaching colonial conference of negotiating with the several

countries which we think are likely to avail themselves of this offer. As to the case of the manufacturers, we may know that while the intermediate tariff would give these countries certain advantages, the greatest amount of reduction in the case of the intermediary tariff is not very large. I speak from recollection, but I think it rarely exceeds two and a half per cent which is not a very heavy sum on a general tariff ranging from probably twenty-five to thirty per cent on the average. If it were a very large reduction that was proposed by the intermediary tariff, there would be much force in the hon. gentleman's remark, that manufacturers might be seriously embarrassed; but I hardly think they could be said to be seriously embarrassed by fear of the introduction of the intermediary tariff in most cases. My own impression is that these powers which are granted will lead, in many cases, to reciprocity treaties affecting a few articles of importance on either side, rather than to the adoption of the intermediary tariff in general, unless it might be in the case of some country—I gave Belgium as an illustration—where the general tariff is very low, and where they ought, in reason, to be entitled to the benefit of our intermediary tariff. In some cases they might be fairly entitled, I think, to a preference as great as we give to Great Britain; but those cases are very few. The House will do well to remember that the trade of Canada is to a very great extent confined to two or three countries. The vast bulk of our trade, as everybody knows, is done with Great Britain and the United States. I have not the exact percentages at the moment with me, but I should suppose, speaking roughly, that probably eighty-five per cent of our whole trade is done with those two countries, and the remainder of our trade is confined to almost three or four other countries, so that the number of countries that would be affected is not large. Then there is another consideration that has to be borne in mind, that we are still, to a certain extent, hampered in our negotiations by the fact that there are some countries though, I think, not many countries—with which we do a large trade where the most favoured nation clause comes into effect. My hon. friend will see that we have to consider not merely how a particular concession will affect our trade with one country, but how it will affect the trade with all those countries to which the favoured nation clause applies, and that it sometimes requires a good deal of consideration before we can decide whether we should apply this tariff or not. Speaking, as I say, under correction, and not wanting to pledge anybody but myself, I am of opinion that the American interpretation of any reciprocity treaty is the sound one and not the English interpretation. The English interpretation, as my hon. friend probably knows, is this: that if you make a reciprocity treaty with any nation on any number of articles or on any particular article, whether other nations give you the same advantage as the one with which you are concluding a reciprocity treaty or not, you are, by the favoured nation clause, bound to extend to them the same consideration. The Americans hold a much more logical view through their supreme courts deciding that the most favoured nation clause can only apply, as I understand their ruling, to the case of nations which, possessing the most favoured nation clause, give you a reciprocity equal to that enjoyed by the nation with which you conclude a reciprocity treaty. That appears to be fair and reasonable, but the English authority—I do not believe the English judges—but the English Foreign Office have put a different interpretation on the matter, and it is possible that among other things the premier may have to deal, will be the conversion of these English gentlemen to a more rational view of that particular question than they have hitherto been able to take. But John Bull is a tough gentleman to move in any of those matters, and although we have induced him to abandon his position on one or two matters, I am not over sanguine as to what can be done on this question. It would greatly free our hands, however, if we were able to negotiate reciprocity treaties on the basis I have indicated, and I think the reason in the case is wholly in our favour.

Hon. Sir MACKENZIE BOWELL—Does not the interpretation placed upon the favoured nation clause which guides the British government, depend in a great measure upon the language and terms of

the provisions of the treaty ? The hon. gentleman knows that under the old treaty, where you found the difficulty in negotiating for better trade conditions with other countries, the British government had in their former treaties included the colonies in the favoured nation clause, and it was the abrogation of that treaty, so far as it affected Germany, Belgium and other countries, that enabled the present government to enact what they called the preference.

Hon. Sir RICHARD CARTWRIGHT—That is correct.

Hon. Sir MACKENZIE BOWELL—My own opinion is that the interpretation, whether by the United States or the British government, depends in a great measure upon the wording of each of these treaties, some of which bind the colonies while others do not, some leaving it optional with the colony to accept or reject the provisions of the treaty.

Hon. Sir RICHARD CARTWRIGHT—That is true, but I am speaking practically of the difficulty that occurs in consequence of there being in existence a certain considerable number of treaties containing this most favoured nation clause and, incidentally, I mentioned what, of course, is subject for a fair argument and difference of opinion, that in this one respect and this one alone probably, I might say, the decision rendered by the United States Supreme Court on that rather interesting question was more common sense and far more business like than what I understand to be the obiter dictum, of certain English law officers, on which, I believe, the British government base their refusal. I do not think—and here my legal friends may correct me if I am wrong—that any English court of high standing equal to the Supreme Court of the United States, has ruled against us on the point. I do not think it has ever come before them. Perhaps it cannot come before them in the same way, owing to the peculiar constitution of the United States ; but, undoubtedly, I think it would be largely in our interest, to say the least of it, as something very like a sovereign state, that we should have a free hand in dealing with these matters, and I should be pleased to know that both sides of the House coincided in that opinion. In old times we have had discussions, and I have had occasion, and gentlemen on the opposite side of politics from me had occasion, to express our view that Canada should have a free hand to deal commercially with other countries, and we hope to attain that one of these days ; but we have of course to move slowly, bearing in mind that we are still in a semi-dependent condition in some respects.

Hon. Sir MACKENZIE BOWELL—But it is a fact that the Law Lords of the Privy Council gave a decision that the Canadian government had no power to enforce their preferential tariff during the existence of the treaties containing the favoured nation clause, the result of which was that the Canadian government had to pay a considerable amount to certain parties who had been taxed at a higher rate for goods imported from Germany.

Hon. Sir RICHARD CARTWRIGHT—Is my hon. friend alluding to what happened under his government or our government ?

Hon. Sir MACKENZIE BOWELL—What I mean is this : the present government introduced a Tariff Act in which they enacted what is termed the preferential clause. It was contended I know, by myself here in the Senate, and by some members of the House of Commons, that you had no power to do that so long as the treaties existed with Germany and other countries containing the favoured nation clause, for the reason that the favoured nation clause which was agreed to by England bound the colonies as well as the mother country, or, in other words, it declared that any privilege or concession which was given by Great Britain to any other country had to be given also to those who were parties to the favoured nation clause of the treaty. The colonies were included in that treaty, and the consequence was what I have stated. In the end, the British government denounced these portions of the treaty, and one result of it was that Germany imposed the surtax on goods imported from Canada.

Hon. Mr. FORGET—I hope the hon. gentleman will enlighten me on two points. He said, for instance, the intermediate

tariff might be applied to imports from Belgium. Belgium has no tariff. Does he mean that the government will wipe out the tariff altogether so far as it relates to imports from Belgium, in order to be on the same basis as Belgium ?

Hon. Sir RICHARD CARTWRIGHT—Oh, no.

Hon. Mr. FORGET—Then you apply the intermediary tariff. The second point was this : the hon. gentleman said we may make arrangements with foreign countries, that if they receive goods from us free of duty we will admit their goods free or reduce the tariff : has the government power to make a reduction below the intermediate tariff ?

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. FORGET—The hon. gentleman said if any country admits some of our goods free, we will admit theirs free.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend did not quite understand what I was referring to. I was referring to the probability, that we would, in making reciprocity treaties, have to do something of that kind, but I did not say that the government have the power. The treaties would have to be ratified by parliament before they would go into effect. All the power we would have is, we could grant to any country whose tariff was sufficiently favourable to us, the intermediate tariff in whole or in part. That is all the power that this particular Customs Act confers on the government. The other matters I was referring to were, the probability, in my opinion, that not much use would be made of the intermediary tariff except in the case of a few countries, of which I gave Belgium as an instance. We would have to deal with them in the fashion of the old reciprocity treaties ; but there, I pointed out, was the considerable inconvenience that when we made a reciprocity treaty with one country, under the English construction of the favoured nation clause, we would have to extend it to a number of other countries, although they gave us no concession at all.

Hon. Mr. ELLIS—I regret that I stand almost alone. The only gentleman from whom I might expect any support at all, the hon. gentleman from Rockland (Hon. Mr. Edwards), is not here, and we appear to be really the only two who have in our minds not only free trade principles, but free trade memories. I can remember the Liberal party carrying on a vigorous fight for many years for such freedom of trade as is possible for us to get by a low tariff. We were all in favour, pretty much, of a very moderate tariff. While I appreciate very much the intermediate tariff, I regret to observe that this tariff, as a whole, is one which will produce quite as much, if not more revenue than the tariff which it now supersedes.

I have gone over a good many items which I have compared with the tariff in existence. I find that there are a great many more items in this tariff subject to a particular taxation, and I would cite one instance, although one hates to bring up his own profession. I hoped when my hon. friend raised the question about paper, that he was going to refer to the heavy duty on printing paper, which I think should be reduced one-half. The other day I desired to purchase a new machine. The price of it was $3,700. I found that I would have to pay the government under this tariff a tax of over $700 on that machine. That is a very severe tax, and it is particularly heavy upon the printers who are living in small communities and who have to purchase such machines. In larger communities, such as Toronto and Montreal, I presume $700 is nothing ; but I come from a part of the country where we have to look closely at these things, and I regret very much that there are many such items in this tariff, and that it has been framed not so much with due consideration for the general conditions of trade, as to suit in too many cases the special interests of manufacturers.

Hon. Sir MACKENZIE BOWELL—What would the duty have been under the old tariff ?

Hon. Mr. ELLIS—I do not think there would have been any duty at all. I think it was not included.

Hon. Mr. LANDRY—Was it a linotype ?

Hon. Mr. ELLIS—No, a monotype. It is an entirely special machine, the like of

which is not in general use, and not made in Canada, and it is considerably different from the linotype. I do not propose to go so much on that line as to express my own view that there are two great items of consumption which should be free from duty. One is flour, and the other soft coal. It is really heartrending to read the accounts of the distress which has prevailed during the present year in the Northwest country. We have to pay a heavy duty upon the soft coal which is imported for consumption into this country. It is put on for a special and particular purpose, to help the producer of that article in one part of the country, and it bears particularly heavily upon the province from which I come, inasmuch as we are not able and do not raise coal in any quantity. I find that we imported last year coaldust from Great Britain, 725 tons, valued at $1,719, which paid a duty of $62.88. This is not anthracite. From the United States we imported 746,526 tons, of the value of $487,461, which paid a duty of $83,752, making a total of $83,789.90. But the particular item I desire particularly to refer to is bituminous coal which is used for both manufacturing and heating purposes We imported of that from Great Britain 19,667 tons, of the value of $44,199, on which the duty paid was $6,978. From the United States we imported 4,475,885 tons of the value of $8,366,150, on which there was paid duty to the extent of $2,372,217.99, the total, taking the dust and bituminous and the round coal was $4,495,550 tons, value $8,360,349, and the total duty paid on it was $2,462,992.23. Of that coal 493,351 tons were landed at Sault Ste. Marie, 971,569 at Toronto, 745,449 at Windsor, 57,535 at Brantford, 326,371 at Hamilton, 246,025 at London, 108,020 at Montreal, and at Ottawa 174,171. You see Nova Scotia coal, in the interest of which this duty is largely imposed, cannot be brought at any rate further west than Ottawa, or perhaps further than Montreal, even with the low rates of freight given by the Intercolonial Railway.

Hon. Mr. FORGET—It comes by water.

Hon. Mr. ELLIS—A great deal of it.

Hon. Mr. FORGET—All of it.

Hon. Mr. ELLIS—Does not the Springhill coal come by car ?

Hon. Mr. FORGET—Yes, but that is not very much.

Hon. Mr. ELLIS—So that this heavy burden falls upon the consumer of coal, who uses it to warm his house, and upon those who are engaged in certain classes of manufacture. I wish very much that the government could have seen its way clear to remedy that grievance. I have also another grievance, and that is the duty upon small fruits, a few cents upon grapes and upon strawberries, and a great variety of fruits. We produce our own fruit late in the season. We import United States fruit, probably more than Ontario fruit earlier in the year. We are always subject to the duty put down for the purposes of the province of Ontario. The government ought to allow that article of food, coming into general use, to come in free of duty. In our own province we send a large quantity to the United States late in the year. Strawberries and all the smaller berries, an article very generally consumed when it is fresh, and when you put a high duty upon fruits it prevents the poorer people from using them. In fact, with regard to tariffs generally, there is a principle in the mind of the tariff maker that he is doing a good thing if he puts a high tax upon luxuries. It always seems to me that that is unfair. The poor man is endeavouring to enjoy the best luxuries he can. The more difficult you make it for him to get them, the less he can enjoy them. My hon. friend from Hastings made the remark that he concurs in the idea that the preference should be limited to goods brought in to our own ports. I admit that the Liberal party, and probably the Conservative party, is of that opinion, but I do not share that view, although the carrying out of it might be of great advantage to the place where I live. But, after all, a man is not bound perhaps to think of himself and his own place ahead of others, and I belive it is for the general advantage of the country, it is for the general advantage of the consumer, and of everybody interested in the extension of trade, to use every place and port at our command, whether it is through a foreign country or otherwise, in order to get our goods as expeditiously as possible, and I do not think it is advisable for us to adopt

any policy which might shut off our goods from coming in through the territory of our neighbours. I do not say that confining the preference to our ports would have that effect, but there would be a danger in it. It would be an unfriendly act, on the whole, for which we would have to answer; but looking at the condition of the west, having regard to the fact of how far goods are to be carried, having regard to the fact that goods are sometimes very quickly wanted, I think sometimes it would be better to use every available advantage while we have it in our power, to help our own ports, and I always recognize the willingness and readiness of the government to help the eastern ports, yet I feel that to carry out that policy would not be a good thing, and I am not in favour of it. The hon. gentleman from Wellington pictured a dreadful condition of things in the United States with regard to combinations. Are you not in the way of encouraging the same evil in our own country by the opportunities which we create by our tariff to bring about the same condition of things? May be not, but it appears to me there is always that danger, and that our best course is to avoid that difficulty. As a believer in free trade, I think we are going too far away from that idea in our present tariff.

Hon. Sir MACKENZIE BOWELL—I must congratulate the hon. gentleman from St. John on the fact that he is a consistent free trader and that his utterances to-day are in accord with his former utterances, something which cannot be said of his friends.

Hon. Mr. FORGET—Has the government still the power to remove the duty on coal, if the United States do the same?

Hon. Sir RICHARD CARTWRIGHT—No special power was given.

Hon. Mr. SCOTT—There was for some years a standing order, but that was annuled.

Hon. Mr. CASGRAIN—According to what the hon. Secretary of State has said, and what the hon. Minister of Commerce has said, I understand if we came to an understanding about a certain article, supposing that coal was the article, you could do it.

Hon. Mr. LANDRY—When my hon. friend put the question to the government, one minister said yes, and the other said no, and the third minister comes in and decides who is right and who is wrong.

The motion was agreed to, and the Bill was read the second time.

## INSPECTION AND SALE ACT AMENDMENT BILL.

### THIRD READING.

Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (AAA) An Act to amend the Inspection and Sale Act. He said: I may say to my hon. friend opposite, that if he particularly desires it, and his friends particularly desire it, and if they have agreed among themselves, I have no objection to insert these words after the clause that he refers to:

'Provided that the Governor in Council may, by proclamation, exempt any province from the operation of said section.'

That is the section which fixes the size of fruit baskets. I desire to be accommodating.

Hon. Mr. LOUGHEED—I think it would be greatly appreciated in the western provinces, and would enable them to import fruit from the Pacific coast without being handicapped by regulations.

Hon. Sir RICHARD CARTWRIGHT—Of course the government reserves the right to see that the hon. gentleman's ideas are correct.

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. YOUNG—Then I will move that the Bill be not now read the third time, but that it be amended by adding the words suggested by the hon. Minister of Trade and Commerce.

Hon. Sir MACKENZIE BOWELL—I enter my protest against extending that power, because it is giving power to the Governor in Council to nullify the provisions of that clause, and by proclamation, by decision of the Governor in Council, the result would be you would have one law in Ontario and another law in the western provinces.

Hon. Sir RICHARD CARTWRIGHT—Yes, we have not infrequently done things of that kind.

Hon. Sir MACKENZIE BOWELL—I am opposed to the principle of having a law apply to one section of the country and not to the other.

Hon. Sir RICHARD CARTWRIGHT—As a general principle, the hon. gentleman is right, but we have half a continent to deal with, and circumstances may and do arise in which it is desirable to exempt at particular times, particular sections of the country from the operations of the law.

Hon. Sir MACKENZIE BOWELL—So has the United States, and a more extensive and varied climate, and I know of no tariff that does that in the United States.

Hon. Mr. FORGET—Would the hon. gentleman apply that to coal?

Hon. Sir RICHARD CARTWRIGHT—I would like to very much, but I have not the power.

Hon. Mr. FORGET—You are taking the power now.

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. FORGET—The government is taking power now to admit something under certain conditions.

Hon. Sir RICHARD CARTWRIGHT—It does not interfere with the tax. It is no question of revenue. It is simply a provision as to the size of the basket. It is not a matter of revenue.

Hon. Sir MACKENZIE BOWELL—Still the same provisions could be made, as intimated by the hon. gentleman, in the Tariff Act as well as in this. The Governor General in Council could take the power to remove the duty on an article imported in certain parts of the country.

Hon. Mr. FORGET—West of Montreal.

Hon. Sir RICHARD CARTWRIGHT—I will mention that idea to the Minister of Finance and see how he takes it.

THIRD READINGS.

Bill (69) An Act respecting the Quebec Oriental Railway Company, as amended.—(Hon. Mr. Tessier.)

Bill (109) An Act to amend the Yukon Act.—(Hon. Mr. Scott.)

It being 6 o'clock the Speaker left the Chair.

## After Recess.

OLD AGE ANNUITIES.

DEBATE CONTINUED.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. McMullen: That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all correspondence in the hands of the government, or any department thereof, on the question of old age pensions to aged residents in Canada, or retiring allowance in any form.

Hon. Mr. FERGUSON—In the admirable speech which we heard yesterday afternoon from the hon. member from Middlesex, he pointed out very truly the progress, or the change rather—some might not call it progress—in public sentiment with regard to the responsibility and duty of government in reference to a great many things. It is absolutely true that what would have been called a revolutionary programme fifty or a hundred year ago, and what would have been characterized as paternalism or even socialism ten or a dozen years ago, is now within the domain of practical political science. This shows the movement of the present generation, the trend of opinion upon public questions. As an evidence of that, I refer to the question of state ownership of railways. Germany owns all the railways in that country, and for a long time the railways of Germany have been well managed and have resulted in large revenues to the state.

We have often been told when we talked of government ownership of railways, that that might do very well for a semi-despotic country such as Germany is, but in a democratic country like Canada, the principle could not be worked to satisfaction. The Australian commonwealth owns its railways, and up to a recent date, we were told that the principle of state ownership was not working satisfactorily there, and that there was a very considerable deficit in the earnings of the railways of Australia. Only a few days ago, the monthly report of the Department of Trade and Commerce came to my hands, in which we have a report from J. S. Larke, the agent of the department in Sydney, wherein he gives the figures in reference to the working of the Australian railways for the year recently closed. From it we find that in the last year the railways of Australia paid working ex-

penses, interest upon about $600,000,000 expended in construction, and yielded a net revenue to the state of over $2,000,000. Public ownership of railways must be conceded as working well in Australia.

This is not the first instance in which the parliament of Canada is asked to sanction the principle of state insurance, for that principle is certainly involved in the draft Bill that we are considering in this academic way ; in 1893, a system of civil service insurance was adopted by the parliament of Canada, and though we have not the complete returns on the subject—at least I have not had time to consult them—we have reason to believe it is working satisfactorily. The proposal now before us, is only following on the line that was then laid down.

I cannot agree with the right hon. gentleman who has submitted this draft Bill, when he said that it has no connection with state insurance, good, bad or indifferent. Section 3 provides that contracts may be conditional upon the continuance of human life, and section 4 says that government annuities shall not be payable to any person under sixty years of age. Very few persons would purchase term annuities which could only take effect after the age of sixty. The main scope of the Bill is to provide a certain kind of life insurance by the state.

The right hon. acting Premier stated in this discussion that he had looked very carefully over the returns of the various insurance companies of Canada, and had found that absolutely nothing was being done by these organizations in the way of selling annuities. My hon. friend did not look into the matter with sufficient care or he would have found that there is a very considerable business done by the Canadian insurance companies in selling annuities. I find that at the close of the year 1905—for that is the latest return available with regard to insurance—the reserve held by the Canadian companies for annuities sold is $2,569,196.

We turn to England, and there we find that the business of selling annuities by government has been long in operation, a practice differing not very materially, after all, from the measure that is now before us, except that in it, the attempt is made to introduce the principle of old age provision in an annuity Bill. I find by a reference to Whittaker that the latest returns show that there are £13,975,821 value of annuities outstanding in England at the present time. Some are life annuities, and some terminal annuities, but they are beig greatly reduced year by year. The British government, for one purpose or another, took that method of raising loans. I find that in England annuities are sold by fifty-three insurance companies, and sold to a very large extent, and two of our Canadian companies, the Sun and the Canada Life, are in the list of the fifty-three companies that are selling annuities in England.

I shall now say a few words on the draft Bill that has been submitted. After giving it a very careful consideration, I am ready to admit that there are some provisions in it that may be found to be worthy of incorporation in any legislation on this subject that we may enact in the years to come. I do not expect to see any such legislation enacted in a great hurry, but there are some provisions in this Bill which I have no doubt will find their place in such an Act. There are others, however, which I think would be very objectionable and not suited to our purposes.

The gravest objection to the Bill is that, in my opinion, it would not benefit to any great extent the class which, by its title and the description we have had of it, it is intended to serve—namely, the poorer people. It will prove, on trial, to be a system of annuities for the middle class, and I believe it will not reach the class we have more particularly in our minds to help, and whose interests we are most anxious to advance. My reason for thinking so is, that without some pressure or compulsion very few would take advantage of it, and the opportunity which it offers over that already given by the insurance companies is very slight indeed.

Furthermore, an attempt to combine in one measure the sale of annuities which would be advantageous to the investing public and provisions for the purpose of selling deferred annuities to wage-earners, cannot be made to work satisfactorily. In order to point out why I do not think this can be done, I will illustrate.

Imagine the case of two men, one of whom, from maturity on by small annual payments contributed money which compounded, would yield him in his sixtieth year

an annuity of $400. He pays his money year by year until he reaches the age of sixty. His neighbour on the other hand never pays a dollar to the fund, but at sixty years of age comes with a sum sufficient to buy an annuity of $400. The two are precisely on a par as far as their contributions are concerned. The poor man who pays by small instalments throughout his life, has by the accumulation of interest, got enough to his credit to buy a $400 annuity, while his wealthy neighbour with four or five thousand dollars can do the same thing by a single payment; but still the two may not be in the same position. The poor man's health may be broken, and it may be almost certain that he will not live long enough to receive one single payment. He has no option, while the man who has his money in his pocket at the time will only buy an annuity if he is in first class health. That shows the difficulty of dealing with the two classes of people under the one provision.

These are the points that tell against what I may call the principle of the Bill. There are several matters of detail that I need not dwell much upon, because we know that in attempting legislation on such an important question it is impossible for any government or minister to hit upon a measure that does not require, when it comes before a deliberative body, to receive serious amendment. I think the fourth clause of the Bill is not adapted to the sale of annuities; it must have been copied from Australian of New Zealand legislation which, unlike this draft, provides for a pension without contribution. I cannot see any meaning in the reference to an annuitant in that section.

I said a moment or two ago that I doubted whether the government, under a proposition of this kind, could do very much better than the insurance companies. My reasons for thinking so are that the government is bound, under this plan, to invest the money in government securities, or at least to give a preference to the securities of Canada or the provinces of Canada and the United Kingdom. Of course, there is a discretion to invest otherwise, but they are not given the same freedom of investment as the insurance companies have. The insurance companies earn, on an average, four and a half per cent on their investments. That is a rate, which the government could not earn in the present state of the money market.

My right hon. friend, the acting Premier, said in discussing this matter that he thought the rate allowed to annuitants would be three and a half per cent. I presume the government would allow interest at that rate, and compound it on behalf of those investing their money, while they would probably have to invest the money in such securities as would not yield much more than three per cent. There would probably be a loss of one-half per cent, counting nothing for profit and management. My reason for thinking the government could not do much better for the people than the companies are doing at present, is that while they would not have the expense of commissions, and would not require profit, on the other hand the insurance companies are able to earn more on investments. Hence the advantage to the government would disappear.

However, that does not say the government should not do it. The government will be at a disadvantage in another respect; they could not have canvassers; if they had, I fear they would not be of very much service, for this reason, that agents who would require to earn commissions would give their attention more to wealthy people where their transactions would be nearer the $400 mark and where they would receive larger commissions, and less to poor people, where the commission would be smaller.

I am not wedded strongly to any proposition on this subject, and as I advance in the discussion of it, hon. gentlemen will see that the number of schemes which have been elaborated in other countries are now so numerous that it would be a venturesome thing for any one, at this stage of the discussion in Canada, to indicate what the plan should be, but it does seem to me that it would be necessary to have a little compulsion behind it, and that all should be required to contribute, let it be ever so little. Only in that way can we bring a large number of people under the operation of the law who could pay at most a very small sum during the earning portion of their lives, and who, by the payment of these very small amount, should, at the age of sixty or sixty-five, or seventy, receive their insurance I

need not say that the government and employers of labour should assist.

I have made an analysis of this Bill. My reason for doing so is in order that my understanding of it may go on record. My analysis is this :

1. Any person may purchase an annuity, if the minister approves, to take effect at the age of 60, for a sum not exceeding $400.
2. Such annuity may be for a term of years or for life.
3. Payment may be made for such annuity by single premium or may be distributed over an indefinite period of years.
4. The actuarial basis for the payment of such premium shall be settled by the Governor in Council.
5. The Governor in Council may discontinue the sale of annuities without reference to parliament.
6. Should the administration of the annuities fund result in a loss, such loss may be made good by the issue of a Governor General's warrant without reference to parliament.

This is the substance of the draft Bill submitted for our consideration. To criticise in detail a hypothetical scheme would be in large part wasted effort. It will serve a better purpose, more forcibly emphasize the direction in which future legislation must go, if I bring before the House the precedents already established, not simply in bureaucratic Germany, but also in our sister colonies New Zealand and Australia, not simply in progressive Denmark but in conservative England.

Then, I come to say a few words upon the German plan. The genius of the German people is, in my opinion, nowhere better shown than in the system of old age insurance which they have adopted and carried, I might almost say, to perfection, and under which 16,000,000 people are now insured.

The German scheme is :

1. Compulsory assurance of all working people, including clerks (excepting infirm persons and those entitled to official pensions), who are over 16 years of age and earning not more than $500 per annum.
2. The pension fund is drawn from three sources:—
(a) An imperial contribution of £2 10s. per person.
(b) The employers of labour.
(c) The employed.
The contributions of the employers and employees are in equal amounts, and are on a scale corresponding with the earnings of different classes of labourers.
3. The pension age is 70.
4. The period of contribution is 30 years, or 1,200 weeks.
5. Transitory provisions were made to allow the effects of the law to be felt as soon as possible.
6. Voluntary assurance under the law is allowed to small employers.
7. Pensions are also given for sickness under the law.

I may say, in a general way, that the amount of the contribution is very small. At sixteen, every wage-earner becomes liable to pay, and the law is very fairly applied. For forty weeks in each year contribution is required to be made. Of course anybody can make the contribution for fifty-two weeks in each year if he is able, but twelve weeks are allowed for sickness or lack of employment. Consequently, when anybody makes 1,200 payments he has then got his pension earned, but it does not take effect until he is seventy years of age. The amount of the pension is small, the largest quota not exceeding $1.25 per week, but, of course, the cost of living is less in Germany than in Canada or the United States, and, probably, the insurance is as valuable as a payment fifty per cent greater would be in this country.

As already indicated there was a transitory provision incorporated in the German law which provided that persons who, when the law come in force were advanced in age, could come in and get a status under the law independently of contribution. In other words, when the Act came into effect in 1891, all persons who were seventy years of age, and who had paid municipal taxes for a number of years, were admitted to participate immediately, and the same principle was applied to all those down below that age, until an age was embraced which admitted of thirty years of contribution. By this means, a considerable number of people became at once entitled to insurance. I may remark that hand in hand with old age insurance goes invalidity insurance, which is proving a great advantage. After paying to the fund for five years, or two hundred weeks, a person on becoming an invalid is permanently entitled to the pension. Hence the entire questions of invalidity and old age insurance are covered by the German plan.

Many people think, and I know such has been the opinion in England, that British people would not stand compulsion. All I have to say is, that the German contribution is so small, and such a vast amount of good arises from it, that I see no reason why any people, living under a legislature

which they choose themselves, should not be willing to submit to compulsion in the matter. The goal being to attain the happy position that Germany is in now, where every man who earns not more than five hundred dollars a year is insured against old age and invalidity. There are, as I have said, sixteen millions of people in Germany insured, so that when they reach seventy years of age, or become invalid, a living is provided for them for the rest of their lives. The burden on the state is only two pounds ten shillings per annum for each person who reaches the age of seventy. The burden on the wage-earner and his employer begins at sixteen and ends at forty-six. Between the ages of forty-six and seventy his little contributions are compounding so that when he reaches 70, he receives the amount due him, with the state contribution added, and has what is considered in Germany a nice pension.

New Zealand has a pension scheme and we might think New Zealand a better example for us to follow than Germany. The preamble of the New Zealand law indicates exactly what it is. The preamble affirms that :

> It is equitable that deserving persons, who, during the prime of life, have helped to bear the public burdens of the colony by the payment of taxes, by their labour and skill, should receive from the colony a pension in their old age.

That indicates that no contribution is called for from the individual. The Act was passed after a long struggle. It has been amended from time to time, but the authorities to which I have reference—and the library has a great deal of information on the subject in the shape of official documents, as well as other very ably written books show that the controversy is practically over in New Zealand, and there is now scarcely any difference of opinion on the subject.

In Australia two of the states, New South Wales and Victoria, before the establishment of the Commonwealth, had an old age pension scheme very like that of New Zealand, only that the pension was larger. Since the establishment of the Commonwealth, other states have come in which had not an old age pension scheme, and, as a consequence, the question has been taken up by the Commonwealth, and only within the last few days a report has come through the news columns of our papers that the Royal Commission appointed by the Australian Commonwealth on the subject has reported in favour of an elaborate scheme, to have application to the entire Commonwealth. This is an extract copied from an Ottawa paper :

> The royal commission recommends a scheme of old age pensions for the commonwealth of Australia, to be paid out of the consolidated revenue, with a maximum of $2.50 a week, payable at 65, or at 60 in cases of permanent incapacity. Payments are to be made fortnightly through the post office, and the total income, including the pension, must not exceed $260. The cost is estimated at $7,500,000 a year, and the pension is to be granted as a matter of right and not as a charity. Restrictions are imposed as regards persons of drunken or disreputable habits, the allowance may be suspended on cause and a penalty is proposed for supplying any pensioner with intoxicants. The commissioners do not consider that the grant of pensions will discourage thrift, and suggest that a spirit of independence will be encouraged by the establishment of an assurance system enabling those who work to provide for old age, to do so under the assurance of a government guarantee.

I gather from this extract that the insurance scheme is in part, perhaps, like the German plan of old age insurance and is intended to supplement the pension provision.

Then we come to Denmark, and this is one of the countries in Europe which has in operation a scheme of old age pensions for many years. The Danish scheme is embodied in the description I am now about to read :

> Any person who, having completed his sixtieth year, is without means of providing himself or those immediately dependent upon him, with the necessaries of life, or with proper treatment in case of sickness, on condition that he is in enjoyment of the rights of a native born subject, shall, in accordance with the regulations set forth below, be entitled to receive old age assistance.

The system differs from nearly all others, inasmuch as it makes provision not only for the person himself, but for those dependent upon him. It calls for no contribution, but it is only those who are necessitous that are allowed to take advantage of it. I have a short analysis of the Danish system which I have made out from the description given of it in various publications, and it reads in this way :

> 1. The Danish law makes the needs of the person and those depending on him the sole ground for receiving a pension.
> 2. No contributions are required.
> 3. Private income of the beneficiary must not be more than $27.50 per annum.

4. Pensions are paid one half out of national and one half out of local taxation.
5. The State contribution not to exceed £130,000.
6. The pensioner must not have been the recipient of poor law relief for ten years.
7. He must not be less than 60 years of age.
8. He must not be a vagrant or convicted of a dishonourable offence.

British statesmen have been wrestling with this question for a great many years. The first tangible plan put before the people of Great Britain is called the parliamentary scheme, and the genius that stands behind it is Joseph Chamberlain. His proposition has not been carried out. In fact it has been superseded, temporarily, I think, in popular favour by some other schemes more radical than it is, but it has the benefit of great simplicity, and it would seem to me that if it had compulsion behind it, it might prove as good for England as the National Old Age Assurance has proved for Germany. The main provision of the Chamberlain scheme is as follows :

(a) A cash deposit of £2 10s. at 25, and an annual payment of 10 shillings a year up to 65. The state to credit the depositor with £10 at the date of his deposit. Interest would be allowed upon the total at 2½ per cent. This would work out a pension of five shillings a week at 65.

That is the Chamberlain scheme. You will notice that it differs from the German plain in giving a very much larger amount from the treasury than the German government gives, and it provides that the amount given by the government shall be contributed at the time of the deposit by the wage-earner himself, and shall go on accumulating in the same way. The German plan provides that £2 10s. (twelve dollars and fifty cents) be added to the pension when it becomes payable and the money of the government does not come into the fund at all, but is paid direct to the insured when he reaches the age of seventy. There are two other plans embraced in the Chamberlain programme, one of which is similar to the above, except that the cash deposit is set at five pounds. It is as follows :

(b) The same except that the cash deposit would be £5. This would admit of other benefits beside the five shillings a week at 65, the chief being a provision for widows and children.

I may say, as hon. gentlemen who give the subject much examination will ascertain, that there have been many commissions appointed by the British government to deal with this question during the last twenty years. The first important investigation was what was called Lord Aberdare's Commission, of which the present king was a member. This body made a very exhaustive examination of the question and reported in favour of leaving things as they were; that is, of continuing the present care for the poor by outdoor and indoor relief. On the presentation of that report, a perfect storm of disapproval was heard from one end of England to the other. I have looked over some of the speeches that were delivered at that time by many of the public men of England, and these speeches were met with cries of 'shame,' and hisses of disapprobation whenever they described the finding of that commission, which had in fact come to the conclusion that there was no remedy for the deplorable condition that exists in England with regard to the relief of the poor.

That led to Rothschild's Commission, but this inquiry was hampered by parliament, by the terms of the reference, so that there was no really good and workable scheme which had recommended itself strongly to the public in England that was not shut out in advance. The consequence was that this commission reported that while they had a hundred schemes before them, no one which they were free to entertain, commended itself to them, and it was a second commission without any result.

Then came what is called the select committee of the House of Commons, of which the Hon. Henry Chaplin was chairman. This committee recommended a scheme which corresponds, in the main, with the Danish plan. I have gone over the report and find there was a great deal of evidence submitted before that committee with regard to the working of the scheme in Denmark, where state pensioning had been in force for many years. This is an analysis of what is called the Select Committee scheme, which, up to a very recent time, held the field in England. The provisions require that the recipient :

1. Is a British subject.
2. Is sixty-five years of age.
3. Has not within the last twenty years been convicted of an offence and sentenced to penal servitude or imprisonment without the option of a fine.
4. Has not received poor relief unless under

exceptional circumstances during twenty years prior to the application for a pension.

5. Is a resident within the district of the pension authority.

6. Has not an income from any source of more than ten shillings a week, and

7. Has endeavoured to the best of his ability or by the exercise of reasonable prudence to make provision for himself and those immediately dependent on him.

The report of this plan elicited, as I have said, a great deal of interest and approbation. It was followed by a Departmental Commission, to ascertain how much it would cost. This was under the chairmanship of Sir Edward Hamilton, and its report is a valuable contribution to the history of this question. It reported that there were about two million people in England over sixty-five years of age; that 650,000 would come under the provision of the Chaplin scheme, and that from ten to thirteen million pounds sterling would be required to carry it out. Another candidate for public favour in the form of a scheme came from the organized workmen. It was backed mainly by the labour circles, and it may be said to have absolute possession of the field at the present time. It is called the Universal Endowment plan, of which Mr. Chas. Booth is the principal advocate. This statement is a fair analysis of the scheme as propounded by Mr. Booth :

It is, however, not too much to say that while the demand for pensions remains in full strength, it is the non-contributory schemes that now hold the field. The stones which the builders rejected had first to become the corner stones of the new building if there is to be a building at all.

The plan usually associated with the foregoing argument is the granting of a pension of 5 shillings a week to all who, being English born and having had their working lives in the United Kingdom, reached the age of 65 years.

It means that every man from Rothschild down who reaches the age of sixty-five years would be given five shillings a week, the argument being that while the wealthy people got this annuity, they paid its equivalent in taxes, and that it would relieve the government of difficulty in determining who were entitled to relief and who were not. They would be sure to catch the poor, and if they caught the rich it would not matter, because they simply got their own money already paid in taxes. It was a very captivating proposition, and, naturally, it might be expected to carry the field among the labouring classes in England, as it has practically done.

Hon. Mr. SULLIVAN—The labour people paid no money into that scheme.

Hon. Mr. FERGUSON—No. It would increase the taxation enormously, but the well-to-do people who would pay the taxes would get the major part of their money back. This question cut a very important figure in the recent elections in England, although about it we knew or heard very little. While the question of fiscal reform was prominent, and whilst other questions of which we have heard a great deal were also engaging public attention, the labour people were led by their leaders to support the free traders on account of their approval of this scheme. Chamberlain had originated what is called the parliamentary scheme, and which was very popular for a time, but others had gone farther, and what was called the universal endowment scheme, which had the support and approbation of the labour party and also the support of a great many others, became popular. It was said by the well to do classes, 'Well, it makes no difference; they will call on us for increased taxes, but it will come back to our own pockets, and all that will be lost will be that which is left in the hands of the absolutely poor.' Finally I refer to the following resolution : Moved by Mr. O'Grady, of Leeds, in the House of Commons, and passed unanimously May 15, 1906:—

That in the opinion of this House a measure is urgently needed in order that out of the funds provided by taxation, provision can be made for the payment of a pension to all aged subjects of His Majesty in the United Kingdom.

That is, therefore, the position of the question in England. Public opinion is almost unanimous on the necessity of making old age provision, but there are so many schemes, and the advocates and supporters of these schemes are pressing their views with such pertinacity, that it is very hard for statesmen to make a selection. I presume it will only be a question of time in England, because there is no country under the sun where some provision, better than they have now, for the care of their aged poor is more necessary than it is in England, of which I will have something to say at a later stage. The question is forcing itself on public attention everywhere. I refer the House to what Mr. Asquith said, speaking on Mr. O'Grady's motion :

This is one of the subjects few and rare, I am sorry to say, as to which I believe there is no difference of opinion in any quarter of the House . . . To my mind the most tragic things in our modern social condition are the figures of the man who wants work and cannot find it, and of the man who is past work and has to beg for his bread and his bed.

Not only has state provision for old age the warrant of practise, and unanimity of opinion in other countries; in this country too we have not far to seek for precedents. For what it is now proposed that the state should do for its aged citizens in general has already been done for various classes, partly by public action, partly on the initiative of private associations, and partly on the volition of wise and generous men. Of this I may cite a few instances.

The great fallacy of the United States Declaration of Independence was the statement that all men were born free and equal. Some men are born with perverted moral natures. Others through environment become perverted ; there are persons in every country—and we have our share of them—who are possessed of perverted moral natures, and they become the criminal class. We have to provide for them. We do not call it a pension, but we create courts for the purpose of settling the degree of their guilt, and we create reformatories, jails and penitentiaries for the purpose of disciplining them and keeping them out of harm's way and from doing harm. We practically pension them at our expense, although we do not call it by that name. Then, there are other people that are born with physical or mental weakness. For them we provide hospitals, infirmaries and lunatic asylums, and that is the way we tax ourselves to care for them. I am not now discussing what will have to be considered in the settlement of this question, the determination of federal, provincial and municipal obligations.

I am simply speaking about the obligation of the state, as we would call it, leaving the obligation to be determined as between the state, the province and the municipality. Then, we have men whom we set aside as defenders of our country on the field of battle ; we pension them. There is no discussion over the propriety of our doing so. Then, we have other classes. We have judges. As the hon. gentleman from Middlesex says, we not only pay the judges of our land very good pensions after retirement, but, in certain circumstances, after reasonably long service, and, reaching a certain age, we pension them at the full amount of their salary without any contribution whatever.

Only two years ago the government now in power in Canada adopted the system of pensioning the Ministers of the Crown. It is true, it has been abandoned, but, as stated by the Minister of Finance, only temporarily, he believing that it will certainly be re-enacted before very long, because it was, as he claimed, founded on principle and right. That pension was not dependent upon any contribution whatever by the parties interested. The parties to be pensioned were not to pay a contribution of any kind, not even as they do in the civil service.

We know what we have been doing with the civil service in Canada. We have had a Superannuation Act. Abuses of it rose under both parties. Instead of manfully removing the abuses, we changed the law, and we have a measure at the present time which still provides for retirement, but which is not as good as the old law was.

Then, our banks and our railways pension their employees. Some banks require their officers to contribute, and others do not. We know all about the pension scheme of the Grand Trunk Railway. We have had it discussed very fully during this week, and it is not necessary to enlarge upon it. Only this session this parliament has provided an elaborate pension scheme for the Intercolonial Railway, out of a fund provided by joint contributions of the railway and the employees. Many of the United States railway companies have well considered pension systems, and no great railway can go on very long without such provision. I have been told—and my hon. friend from Middlesex can put me right in a moment—that the province of Ontario has a system of pensioning its aged teachers.

Hon. Mr. KOSS—It has been abolished.

Hon. Mr. FERGUSON—Because, I assume, few persons make teaching a permanent profession. I have looked into the Carnegie system of pensions at Pittsburg. To the infinite credit of Carnegie, he established a system of pensions many years ago and has worked it out in the ut-

most detail. That pension system, is one of the results of Carnegie's work, wherein he sets an example to the employers of labour on the continent of America. There are many instances of the kind in Great Britain at the present time.

I see that a measure was introduced in the legislature of Nova Scotia only a couple of weeks ago providing for a commission to outline a plan of pensioning the coal miners of the province. I am told that they have already provident associations amongst themselves, through which the coal companies make some contribution, but it is proposed in the measure that is now before the legislature of Nova Scotia that there should be a government plan. The scheme contemplated so far as it is now outlined is simply this, that the government shall furnish two cents, the men two cents, and the company two cents each per day. At the age of sixty-five, the men are retired on a pension equal to what this money accumulating by compound interest, will earn. The men are required to come in at seventeen and to go out at sixty-five, and if they contribute the premiums during that time, two cents a day from three sources would work out a very handsome pension.

My hon. friend the right hon. acting premier, in the very interesting address which he delivered to the House on this subject some weeks ago, drew a sharp line of distinction, as he claimed there was such a line to be drawn between paying pensions to the wage-earners and paying pensions to public officials, and the line of distinction he drew was that in the case of public officials it might be claimed that they were only getting what was their own; that they had not received sufficient remuneration while they were in the employ of the government, and therefore, they had a right to be taken care of in their old age.

For my part I cannot admit the fairness of the distinction at all. The wage-earner of the country contributes to the growth and wealth of the country, and he contributes to the taxes of the country, and any provision that is made for him in his old age may just as rightly be claimed as money he was fairly entitled to for the service he has rendered, the fortune he has enabled his employer to make, and the taxes he has contributed to the government of the country, as in the case of the public servant. In opposition to the view of the right hon. gentleman I submit the words of Bismarck:

> The state must take the matter into its own hands, not as almsgiving, but as the right that men have to be taken care of when, with the best will imaginable, they become unable to work. Why should the regular soldier, or the public official, have a right to be pensioned in his old age, and not the soldier of labour?

Now, there are many classes who are not included in this enumeration of those who already receive pensions in some way or other. In fact, the great body of mankind are the persons who follow low humble pursuits, and they are to be found in the workshop, on the farm, in the mine, behind the desk or counter, on the deck, in the lumber camp, in the teaching profession and in the performance of the duties of the sick-room. They do not engage in the wild scramble for wealth ; they are not to be found on Wall street, or around the stock exchange. They are not interested in railway corporations or banks. They are working their way along the cool sequestered paths of life; their sober wishes have never learned to stray from these path-ways, and when old age overtakes them, they are not generally to be found in the possession of any considerable fortune. They are indeed often found in a deplorable condition when that ill-matched pair of disagreeable visitors, age and want, come knocking at the door.

There still remains another class, not a very large one, but very important. It is composed of those who, animated by an inordinate love of gain, devote their lives almost wholly to the accumulation of money. These great accumulations are made mainly through watering stock, combinations in trade, and control of public utilities. I hold that it would be fair and reasonable, especially in this country, to levy a tax on this class in order to provide means to keep the aged poor from want, to levy a tax which would fall fairly and evenly upon the wealthier classes of the country.

In Canada that would be equitable, for this reason : that incomes are not reached by our federal system of taxation. Our taxation in Canada, as we all know, is mainly produced from Customs and Excise duties, which are necessarily imposed in order to give a reasonable, or what my hon.

friend the acting premier would have called once in his life, incidental protection. At all events, we are pretty well agreed that it is necessary in this country to raise the major part of our revenue in that way, first because it is an easy way of doing it, and secondly because it furnishes protection to our industries.

In England they have few duties of that kind, and consequently the poor man is not taxed as heavily in proportion as he is in Canada. I think it would be only fair for the wealthy classes of the country to contribute in the way of a moderate income tax. By that means the people of Great Britain raise the greater part of their revenue, and the burden does not fall very sensibly on the poorer people. In Canada the burden falls upon rich and poor almost alike. There are a few exceptions, where the wealthy are larger contributors to the revenue; but where the poorer classes use liquor and tobacco—and unfortunately in our country they do so largely—they are, in many cases larger contributors to the revenue of the country than the millionaires are.

I do not think there could be the slightest complaint in Canada if a system of old age pensions was established which would not come into effect to-day, but would begin to be payable twenty or thirty years after this. That would be making hay while the sun shines. There should not be any complaint if a reasonable tax were placed upon the incomes of the country, in order to provide whatever contribution the government might make to that fund. I do not think that contribution need be large. A moderate tax would be sufficient, for I believe firmly that the wage-earners should contribute also and that there is a heresy in the doctrine of the labour party in England in advocating a scheme by which the beneficiaries should not contribute. Both the labourer and the employer should contribute, and probably the employer would contribute sufficiently and the burden would be fairly distributed if the tax were imposed upon the wealthier classes. In this connection I have turned up the opinion expressed on a kindred subject by Edmund Burke many years ago. He said:

> Not only so of the state and statesmen, but of all the classes and descriptions of the rich; they are the pensioners of the poor, and are maintained by their superfluity. They are under an absolute, hereditary, and indefeasible dependence on those who labour.

Nobody can deny that. It is as true as any axiom that can possibly be laid down, and in view of what the rich owe to the poor, and the inadequate amount that comes to the labourer out of the result of the joint exertion of labour and capital, there could be nothing wrong in requiring the rich to contribute out of their abundance, towards putting our country in the same position as Germany occupies, and I doubt very much if the wealthy people in Canada would stand in the way on account of the small amount they would have to contribute.

Many objections have been offered in the course of this discussion to a proposition of this kind. One of these was stated by the acting premier in his introduction of the question, when he said that conditions are very different in Canada from what they are in other and older countries. If that is true—and we all admit it to be true—we would have so much the less to do, so many the less to provide for. But there is nothing better established to-day by students of political science, than that progress and poverty go hand in hand, and just in proportion as you increase the millionaires and multi-millionaires of the country, so you increase the amount of poverty at the other end of the social scale.

Let me point to the argument with which the opponents of Mr. Chamberlain have met him in England. He says that England must take care of herself and adopt fiscal reform, or other nations will get ahead of her. He has been answered by his opponents that statistics show that England is adding to her wealth in these very years two hundred million pounds annually. There can be no gainsaying the force of that answer, but at the same time it is demonstrated equally well, that the number of unemployed and of people who are taking relief in the workhouses and in other ways, is increasing year by year, and increasing faster than the increase of population.

My hon. friend from Middlesex showed the House yesterday that workhouse relief, alone, cost England last year about thirteen million pounds sterling, and he said, although he did not put the figures be-

fore the House, that other sources of charity would about double that amount. I think I would be perfectly safe in saying, and my hon. friend, who has evidently given the subject a great deal of consideration, would fully bear me out, that at the present time the relief of the poor is costing Great Britain and Ireland about twenty million pounds annually. My hon. friend said that perhaps there were no poor in Ireland, but the figures I have been looking up show that there is about the same amount of poverty there as in the other portions of the United Kingdom, and the most alarming feature of it is, that the number of poor people who are found to need relief is increasing year by year, and public contributions for their maintenance are also increasing in the same proportion. These statistics are alarming, and one is reminded of the words of Goldsmith:

> Ill' fares that land to hastening ills a prey,
> Where wealth accumulates and men decay.

Sometimes I feel concerned lest England is in the position which is described by the poet, for there is no question, that while wealth is accumulating in England in the hands of those who had it before, the number of poor people, and the necessities for public relief, increase in greater proportion than the population of the country. There are those who make this subject a ground for attack upon her institutions, and it is very necessary that England should settle this question in order to create stability in the institutions of the country. There was a time after the close of the Napoleonic wars when England experienced great social troubles, and it was feared at that time that revolution would overwhelm the mother country. It was at that time that Bryon said:

> Gaunt famine never can approach the throne.
> Though Ireland starves, Great George weighs twenty stone.

The people in high life were rich, and King George was in good health, while Ireland was starving, and writers like Byron, turned these circumstances against the established usages of society. That is one reason why the solution of such problems should not be delayed, especially in an old country like England no delay should be allowed putting this question in such a shape as to defeat those who would try to destroy the political equilibrium.

In Canada to-day we are making millionaires and multi-millionaires. Our wealth is accumulating as fast, perhaps, as that of any country under the sun. The strides we are making are known to all within the range of my voice; but I say, and say without fear of successful contradiction, that at this time, when the progress of the country is so great and undoubted, the wage-earner, notwithstanding a reasonable increase in wages, is not in a better position than he was years ago when his wages were twenty per cent less than they are now. The expense of living is going up, and the consequence is, to-day, that the wage-earners of Canada find it as hard or harder to make ends meet than years ago when the times were less favourable and wages lower than they are just now.

Hence I conclude that conditions in England, our own observations in Canada, and indeed universal experience, show that in these days when money breeds money, and capital has such great inherent advantage, no state can begin too early to safeguard the interests of those who are working for wages in the service of wealth.

Another strong reason for some provision of this nature is found in the effect it would have in retaining our people in Canada. That was a powerful argument in the mind of Bismark when he commenced the advocacy of old age insurance in Germany. Elderly, middle aged or even young people would not be so apt to leave their country if they had an interest in a fund which made provision for their old age.

I have made some inquiry as to the number of people we have in Canada who are over seventy years of age, and find that as shown by the census of 1901 it is 163,715, while the number of those over sixty-five is 269,388. There is a very interesting study in connection with those figures, showing how the old people are distributed. Many would think, perhaps, that they are divided evenly over the country, but that is not by any means the case. The trend of population is towards the city. The young move and the old and infirm remain behind, and it is found that the cities contain a much smaller proportion of old people than the country does.

In Ontario, the number of persons over

seventy years of age to the thousand, excluding Toronto, is thirty-four, while the number in Toronto is only twenty-three in every thousand. In the province of Quebec, outside of Montreal, the number over seventy is thirty-one, while in Montreal it is only nineteen. But there is still a greater discrepancy to be found in other directions. In British Columbia the number is only 11 to the thousand, and in the Northwest Territories 12; in Manitoba 13, New Brunswick 35, Nova Scotia 42, and Prince Edward Island 43. Many, on first blush, would conclude that the places where the most old people are to be found enjoy the most salubrious climate or that the people lead more regular lives; but I do not think these influences contribute in any way to the result.

The movement is from the east to the west and from the country to the city; the young move, and the old people are left behind. There is no province in the Dominion of Canada suffering so much in that respect as my own province—Prince Edward Island. The trend of emigration for years was to the United States, but it is not so now. There is a great movement from Prince Edward Island to the west, such as my hon. friend opposite described as going on from the county of Wellington. Consequently, the burden of providing for the aged falls more heavily on the people where there is a drain of this kind, and, on that account, the burden is heaviest in the country parts of the eastern provinces, and of Ontario and Quebec. It is heaviest in the province of Prince Edward Island, and almost as heavy in Nova Scotia.

The question has, therefore, more than an academic interest for me. I contend that the Dominion should give of its abundance for the encouragement of the old men and women in our country sections who have sent their natural supporters to do pioneer work in the west and to add to the strength and wealth of our cities.

Another objection which was urged very strongly by the hon. gentleman from North Wellington, arises from what we are doing now for our poor. He told us there are many well-equipped and well-managed poor-houses in Ontario. The hon. member from West Middlesex gave us the number, and stated that the province contributes to each of them about four thousand dollars per year, and that is supplemented by the municipality. No doubt there is provision made of the same kind in Quebec and the West, as there is in the lower provinces. In the new Provinces they have not had time to settle this matter, but in the older provinces we have made these provisions.

The hon. member from Wellington seemed to think that this is about all we are called upon to do. I do not agree with him in that matter. What we are doing, although meritorious, is not done in the right way and in the right direction. 'Over the hills to the poorhouse' are light words on many lips, but the portals of the poorhouse are scarcely more inviting to many who are compelled to enter them than the pauper's grave, which lies a little beyond. Poorhouse conditions have been greatly improved since Dickens wrote Oliver Twist, but no applied humanitarianism can remove in the minds of many of the most deserving the strong sense of shame in being obliged to accept that form of relief.

The improvement that has been effected in our poorhouses in the last fifty years is not, perhaps, any greater than the improvement in jails and penitentiaries. When John Howard took up the reformation of prison management, not only in England but all over Europe, we know, who have gone over the story, the desperate state of things then prevailing. It seemed to be the policy of the nations to treat the criminal as harshly as he possibly could be treated, to surround him with such sternness and severity, as, in many cases to allow him to want, and often to become so filthy and unattended that the very description of the conditions then existing caused humanity to revolt. That is not the case to-day. Our jails and penitentiaries are brought up to a condition almost as good as our poorhouses, yet our poorhouses are not bad or badly managed. The humane feelings of the people have demanded that prison conditions should be at least reasonably good, and on that account the poorhouse is not very much better or more comfortable than the place to which we send our convicted criminals. I have no sympathy with the view that the poorhouse is a desirable ending for what may have been a virtuous life. But there is another

view in connection with that subject which must not be lost sight of : not only does the iron of conscious pauperism enter the soul of the person who is sent to the poorhouse, but the community is deprived of the work of many who are still, notwithstanding their poverty, good, and though aged, to some extent useful citizens. The community is deprived of this service when, by the receipt of a reasonable pension, personal pride would be maintained, and in this way the poor could hold their heads erect with a feeling of self-respect. The aged and indigent would not have difficulty in satisfying themselves that the money they were receiving was not alms, but a right. They got it from the state in recognition of the services they had rendered during the days they were able to work, and there would be nothing in their state or condition to make them hang their heads.

> Is there for honest poverty would hang its head and a' that,
> The coward loon we pass him by and dare be poor for a' that.

But there are ways in which both old men and old women could remain useful to the community if they were not immured in the poorhouse. I can imagine cases—I know of them myself in the place from which I come—where poor old women are nothing less than blessings in the community in which they live, in comforting their old neighbours, nursing the sick, and taking care of the children, and there are ways in which poor old men in receipt of a small pension could, while maintaining their self-respect, also make themselves useful duties they could fulfil, such as chopping fire-wood and weeding gardens. Both men and women could look after themselves in the matter of preparing their own food, and attending to their own cleanliness, and every day as the shadows of life lengthen and they approach their end, they could find something useful to do, and would lay their heads on their pillows at night with the reflection that they had, during the day, undertaken and accomplished some useful thing.

The right hon. acting premier rather emphasized the idea that the granting of pensions to old people would discourage thrift. I cannot see that it would discourage thrift to any such extent as poorhouse relief. On the contrary, I believe when some substantial help of that kind is vouchsafed, men are encouraged to make more strenuous efforts in their own behalf. The shipwrecked sailor seeing the light on the shore is encouraged to redouble his exertions, and so the son of toil finds hope growing in his heart when he understands that there is something of this kind being done for him, and is thereby encouraged to lay aside savings of his own. In that way, the incentive to thrift is real. I heard an old friend of mine, who had accumulated money, say that the hardest money he found to get was the first hundred pounds ; after that he made his money easily. I know that the experience of a great many is that the first ten or twenty dollars they put in the savings bank was the hardest money they had ever attempted to scrape together, but after getting that much, and seeing the interest it was gaining, they were animated with an ambition to increase it.

There is nothing like holding out hope to the wage-earner and giving him an absolute certainty that he will have some relief in old age. It encourages thrift rather than otherwise. There are no more hard-headed men in the world than bank and railway managers, and they do not think that pensioning their employees would discourage thrift, for they adopt that system. Their practice is against the belief that thrift is discouraged.

If old age insurance, to the securing of which the wage-earner contributes, would promote indolence and extravagance, the same result must follow the pensioning of bank, railway and government employees, to say nothing of judges and cabinet ministers.

Then, we have the example of Denmark. Any one who will look over the evidence taken by Sir Henry Chaplin's committee will find that, the testimony of the experts they sent to Denmark to study the Danish system, shows that old age provision has proved a stimulus to thrift. That is the Danish experience, I have read to hon. gentlemen the report of the Australian commission, which takes exactly the same ground.

But the question arises, what is thrift ? The best and truest theory of thrift is, to my mind, that a man should make the

best of his environment; that he should perform faithfully and well the duty that came nearest to hand for the time being. In the early years of life, many a poor man has the care of his aged parents on his hands. That duty lies nearest to him, and he is a very poor type of a man, if he does not discharge it, and discharge it well. A little later on, perhaps overlapping the same period, comes his duty to his wife and children. What would hon. gentlemen think of a man who would allow his children to grow up in ignorance and rags, while he was hoarding up money to provide for his own old age which he might not live to enjoy? It would be a form of selfishness which would be condemned on every hand.

Therefore, a true definition of thrift, as I understand it, would be getting the best that can be got out of existing circumstances and performing faithfully the duties of the hour. The average wage-earner in Canada receives about three hundred dollars a year. We know that the cost of living is pretty high in Canada at the present time. Any person who will tell me that a man can pay rent, provide fuel in a rigorous climate, such as this, and food and clothing, and education for his children, and lay up enough money to maintain himself and his wife in their old age, must have some method of calculation that I cannot understand. The duty of the hour is—

> To make a happy fireside clime for weans and wife.
> That's the true pathos and sublime of human life.

There are many who have done this faithfully, and yet having been bereft of their children, or neglected by them, pass their old age in want. That they are allowed to do so is, in my opinion, a national disgrace.

Hon. Mr. SULLIVAN—I was not aware of the existence of this draft Bill until this afternoon, and I could not get a copy until about an hour before the sitting opened. I am most anxious to show my regard and respect for the right hon. gentleman who introduced it, and, having some acquaintance with the subject, which would enable me to speak on it with satisfaction to myself and some interest to the Senate, I move that the debate be adjourned until Monday next.

Hon. Mr. SCOTT—Nothing practical will come out of the discussion this year, or probably the next fifty years, in Canada, and it might as well stand aside until the more important measures of the session are disposed of. It would be better to let it stand at the bottom of the Order Paper. It is a very interesting subject, but a practical result is not in sight.

Hon. Mr. LANDRY—I think that is governed by our rules. I do not see why we should suspend our rules for that.

The order of the day was allowed to stand.

## THIRD READING.

Bill (ZZ) 'An Act respecting the Standard Life Insurance Company.—Hon. Mr. Power.

## MILITIA PENSION ACT BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into a committee of the whole on Bill (144) An Act to amend the Militia Pension Act.

(In the Committee.)

Hon. Mr. SCOTT—This Bill speaks of an officer being seconded, which means being retired to some other service.

Hon. Mr. LOUGHEED—To what extent does this differ from the present law?

Hon. Mr. SCOTT—It provides particularly that if an officer in the permanent force is placed in the Civil Service, or if he is sent to Aldershott, and spends two or three years there, and he pays his five per cent regularly while he is temporarily out of the militia, his superannuation will go on.

Hon. Mr. LOUGHEED—That is an entirely new feature.

Hon. Mr. SCOTT—The object is especially, at the present moment, to meet the condition of the Deputy Minister, who has been for many years paying into the permanent fund. He is now outside. While in the Department of Militia he is not in the permanent force.

Hon. Mr. LOUGHEED—Surely the hon. member does not justify the passage of an important measure of this kind by reason of

an isolated case such as that of the Deputy Minister of Militia ?

Hon. Mr. SCOTT—But other cases will arise. The policy of the department is that officers may exchange into other services from time to time, to give them knowledge and experience. Nothing suffers, because the officer pays the 5 per cent, on a larger amount, while he is outside of the service, than the sum he would have paid if he had remained in.

Hon. Mr. LOUGHEED—Where is the clause referred to by the right hon. first minister ? He said yesterday that the officer could elect whether to accept this pension or to accept the pension which might be provided by another fund, instancing the case of an officer who left the militia to enter the civil service, and who also contributed to the superannuation fund of the civil service. Of course it would be manifest, unless some provision is embodied in the Act, that he might be a participant in two pension funds.

Hon. Mr. SCOTT—I do not think there is any provision made for that. It refers altogether to an officer being seconded.

Hon. Mr. LOUGHEED—In the explanation given yesterday, I think it was my hon. friend who said that an officer might be seconded and enter upon a position in the civil service, contributing his 5 per cent in the meantime to the militia pension fund, and at the same time being a civil servant and entitled to any benefits arising under the superannuation fund. However, we might go through the committee stage on the Bill and my hon. friend can obtain the information to-morrow.

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—I think that subclause 9 must be the one to which the acting leader of the government referred. That clause reads :

9. If, by reason of the position in the public service of Canada to which any officer is seconded, he becomes subject to the provisions of Part II of the Civil Service Superannuation and Retirement Act, the reservations out of the salary of such officer by the said Part II required to be made shall, instead of being transferred to the credit of the Retirement Fund, form part of the Consolidated Revenue Fund of Canada, and be treated in all respects as deductions under section 8 of this Act, and as satisfying the contributions which such officer is by the two last preceding subsections required to make.

That is the only thing which could give rise to the remarks of the hon. leader.

Hon. Mr. LOUGHEED—Does my hon. friend from Halifax understand the application of that section ?

Hon. Mr. POWER—I am not saying that I do. Perhaps it is because that subsection is hard to understand that the right hon. leader of the government said what he did about it.

Hon. Mr. DOMVILLE from the committee reported the Bill without amendment.

The Senate adjourned until three o'clock to-morrow.

## SENATE.

OTTAWA, FRIDAY, April 12, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### THE ADJOURNMENT.

Hon. Mr. SCOTT moved :

That when the Senate adjourns to-day, it do stand adjourned until Monday next, at eight o'clock in the evening.

He said : I was asked by a number of hon. gentleman last evening to make the adjournment until eight o'clock, and I waited to see whether there was any negative proposition, and no one objected to it, so I let it go.

Hon. Mr. WILSON—It strikes me that the meeting at three o'clock will be more convenient and satisfactory to those who are detained here. Let those who wish to go home do so. I am not speaking for myself, because I intend to go home, and will not be back in Ottawa until Tuesday; but there are some members stopping in the city who remain here all the time and it is most unreasonable to expect them to attend in the evening. If the adjournment is until eight o'clock, some hon. members who remain in the city will be deprived of that day.

Hon. Mr. ROBERTSON—I do not oppose the motion, but I hope those hon. senators who have the advantage of holidays on Mondays during the session, when the time for prorogation arrives will be in their place, and that those hon. members from

a distance who have remained in Ottawa all the time will be allowed to go home. If prorogation takes place on Saturday, most of those living at a distance will have to leave on Thursday, so that these hon. members who have been having so many holidays might remain here to have a sufficient number present to form a quorum.

Hon. Mr. FERGUSON—I am not going to object to the motion, but I take this opportunity of saying that the public business this session has been very seriously interfered with by these adjournments at week ends and week beginnings. I have never, in my experience in parliament, encountered anything like the experience we have had this session, and the result has been that for the last five or six weeks there has been a congestion of work. Perhaps people outside would hardly credit that statement; but it is nevertheless true there has been a congestion of work, especially in the committees, and interesting and important questions have had to suffer. The motion submitted by the hon. gentlemen from Mille Isle, we are told by the hon. leader of the House, would have to go to the foot of the order paper, which meant that it would have to stand its chance of not being discussed any further this session, and why? Because there was no time to discuss it, and that is the sequence of week end adjournments during the session. The work has accumulated. At one meeting of the committee there was something like twenty Bills on our order paper, consequently there was a great deal of railroading of Bills through. The effect of these short adjournments has been to operate very unfairly against members from a distance. Such adjournments are admirably suited to hon. gentlemen living in Toronto and Montreal, but are fatal to the chances of members from a distance visiting their homes. We had a week adjournment at about the end of January which was no benefit to any member living further away from the capital than Toronto or Montreal. We also had an adjournment at Easter, which was a disadvantage to those living at a distance. We must have reciprocity and fair-play about these things, if we live to come back for another session. The system of taking long adjournments is reasonable, notwithstanding what the press says. There has been more notice taken by the press of the short adjournments than of the long ones. When we make a reasonably long adjournment, and the public business does not suffer, it is all right; but when we take short adjournments at the end and beginning of each week, the work is confined practically to two sessions in every week. I hope there will be some desire to show fair-play to members living at a distance in future.

Hon. Mr. SULLIVAN—I want to enter a most emphatic objection to this adjournment for a special reason which I think ought to have weight with the House. Last evening we had before us a Bill on which the hon. senator from Marshfield had just delivered a very interesting speech, a speech to which we all listened with a great deal of pleasure. I had not seen this very important Bill until an hour before the meeting, and I thought it was only reasonable that the further consideration of it might be postponed until Monday or Tuesday next. You may think it is a Bill that is not of much importance. I am glad the right hon. Minister of Trade and Commerce is not here, because it gives me this opportunity to say that I think it reflects an immense amount of credit on him. It is one of those Bills that ought to engage the attention of every man in the Senate. Old age pensions stand only second to the savings banks in their value to the country. The establishment of those banks was a decided benefit to the community, and the subject of providing old age pensions is one that could be discussed more advantageously here than anywhere else. Is there any member of this House who can say it is not a pertinent subject, and one that should command the attention of every intelligent man? Yet when I asked to have the order set down for Monday, the hon. Secretary of State manifested great irritation and said it would not do, that it was too long on the orders, and must go to the bottom of the list. Of course I could not say anything, and as nobody offered to speak in my behalf I did not push the matter any further. Now, I do not think I have been treated fairly. Except on one occasion, I have not appealed to this House to get any measure postponed. There have

been items on the order paper of this House for months that did not amount to anything, and yet this measure of transcendent importance is put aside as of no consequence. It was not to me alone that the affront was offered; it was to the measure—a measure which should have been treated with more respect. I therefore am determined, if I can to prevent the proposed adjournment because I would be a veritable coward did I not manifest some objection to the treatment I have received. I want to point out another thing, and that is that an adjournment until Monday at eight p.m. is very objectionable. Members who have to travel some distance to return to the capital are too fatigued to attend to any business when the House meets in the evening, and so two days are lost by these weekly adjournments. I have not objected, because I had no special reason to object, on the contrary I have supported them—but this thing has gone too far. You are planting the germs of degradation in the Senate when you push this so far. I wonder that any gentlemen would have the unblushing effrontery to ask for such adjournments in their own selfish interest. If the good nature of the hon. Secretary of State is shown to certain persons, his good nature and benevolence ought to be manifested in the same way to every member. We are all under the aegis of his protection, and there is no reason why I should be made a stepchild of. I say, therefore, it is a degrading proposition to this Senate which will, if persevered in, sap its foundations and lead to a movement which may hurl the gentlemen who are the cause of it out of public life altogether.

The motion was agreed to.

## DELAYED MAILS AT SASKATOON.

Hon. Mr. DAVIS—Before the Orders of the Day are called, I want to draw the attention of the House to a telegram I received this morning from Saskatoon. The people of that town complain that they have not had any mail since the 31st of March. They are complaining very seriously.

Hon. Mr. SCOTT—If the hon. gentleman will send me his telegram I will hand a copy of it to the Postmaster General.

Hon. Mr. GIBSON—What railway is in default?

Hon. Mr. DAVIS—The Canadian Northern, the only railway that is there yet.

## THIRD READINGS.

Bill (81) An Act to incorporate the Central Canada Manufacturers' Mutual Fire Insurance Company.—(Hon. Mr. Gibson.)

Bill (93) An Act to incorporate the Eastern Canada Manufacturers' Mutual Fire Insurance Company.—(Hon. Mr. Gibson.)

Bill (90) An Act respecting the Atlantic, Quebec and Western Railway Company, as amended.—(Hon. Mr. Fiset.)

## MILITIA PENSION ACT AMENDMENT BILL.

### THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (144) An Act to amend the Militia Pension Act. He said: In moving the third reading of this Bill, I desire to answer a question as to the meaning of clause nine. It means that when an officer is transferred or retired from the militia to the civil service, his five per cent is paid into the consolidated revenue fund instead of into the retirement fund. It is a mere change in the payment of the money.

Hon. Mr. MACDONALD (B.C.)—Do militia officers contribute to the fund?

Hon. Mr. SCOTT—The officers of the permanent force pay five per cent into this fund, and they are retired in the ordinary way.

Hon. Mr. MACDONALD (B.C.)—Does this refer to transfers to the imperial service?

Hon. Mr. SCOTT—The object of the Bill is that when an officer belonging to the permanent force in Canada is retired, whether to the civil service or to the imperial service, or the India service, that he will not lose the five per cent he has already contributed while in the permanent force. If he is transferred to the civil service of Canada then his five per cent goes into the consolidated revenue fund instead of into the militia pension fund, and, when his retirement comes, he gets the benefit of it.

Hon. Sir MACKENZIE BOWELL—Does it affect imperial officers transferred to the Canadian service?

Hon. Mr. SCOTT—It has no reference to imperial officers at all. Of course, if they enter the Canadian permanent force and contribute the five per cent, they get the

benefit of the fund when they retire, to the extent of what they have paid.

Hon. Mr. LANDRY—Does not that apply only to the Canadian officers ?

Hon. Mr. SCOTT—It applies to officers of the permanent force ; but if an officer enters the Canadian permanent force he can contribute the five per cent.

Hon. Mr. LANDRY—He begins the roll.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—What he has paid to the imperial fund does not count here ?

Hon. Mr. SCOTT—No.

The motion was agreed to, and the Bill was read the third time and passed.

## INTERNAL ECONOMY AND CONTINGENT ACCOUNTS COMMITTEE.

### REPORT ADOPTED.

Hon. Mr. WATSON moved the adoption of the second report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Sir MACKENZIE BOWELL—I am not objecting to the adoption of the report, but I think the wording is somewhat objectionable. I do not think it would be advisable for the committee to set a precedent of the kind which could be cited for future action. It is in reference to the granting of a gratuity to Theodore Paquette. The report says 'in lieu of the sum which he has paid into the superannuation fund and the interest thereon.' He has been in the service as a messenger for twenty-seven years. He has been paying into the superannuation fund during the most of that time, since the superannuation Act was made applicable to the servants of this House. Then you will have to compound the interest. What I would suggest to the chairman and members of the committee is, that you word it in the same way as you did the recommendation in reference to Mr. Myrand, the ex-postmaster, and grant him a specific sum as a gratuity for faithful services as messenger for twenty-seven years. I understand that if you adopt this mode of granting the amount paid by him into the superannuation fund and interest of 5 per cent thereon, that you will have constant applications from those entitled to any sum to be paid from the superannuation fund. My suggestion is that you make it a simple gratuity, equal to that amount, if you like. On a moment's reflection, hon. gentlemen will see the precedent which will be set for us and the difficulties which will arise every session when we want to retire one of the servants.

Hon. Mr. WATSON—I have no doubt there is something in what the hon. gentleman states. It might be a bad precedent. Mr. Paquette contributed into the superannuation fund something about $194, for which, of course, he received no benefit, and I am informed by Mr. Gibb, the clerk of the committee, that the interest would amount to somewhere about $50. I have no objection to amend the report so as to grant him $250.

Hon. Sir MACKENZIE BOWELL—That he be granted an annuity in consideration of his services for the amount of $250.

Hon. Mr. WATSON—Yes.

Hon. Mr. YOUNG—I will move that the report be amended accordingly.

The motion was agreed to, and the report, as amended, was adopted.

## IMMIGRATION ACT AMENDMENT BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (143) An Act to amend the Immigration Act.

On clause 2,

2. Section 23 of the Immigration Act, chapter 93 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

33. Whenever in Canada an immigrant has, within two years of his landing in Canada, become a public charge, or an inmate of a penitentiary, jail, prison, or hospital or other charitable institution, it shall be the duty of the clerk or secretary of the municipality to forthwith notify the minister, giving full particulars.

Hon. Mr. FERGUSON—Perhaps my hon. friend, who has charge of the Bill, would explain what are the changes that are made as compared with the existing law ?

Hon. Mr. SCOTT—The only change is making the clause more definite, making it more clear, and giving greater facilities in carrying it out, by the Minister of Justice interfering where the party is confined in a jail or penitentiary. It requires an order from the Minister of Justice.

Hon. Mr. LOUGHEED—There is this to be said about the clause now before us for consideration : The duty is apparently cast upon the clerk or secretary of the municipality to forthwith notify the minister upon ascertaining certain facts. There is no penalty attached to the non-performance of the duty. Furthermore it seems to me that it should not be left voluntarily with the clerk of the municipality to notify the government of this fact. Some government officer should be charged with the enforcement of this Act. I might say that there are immigration officers of the government, and there are other officials of the government, who could very much better carry out the spirit of the Act than to throw the duty upon themunicipal officer, who has to do it gratuitiously.

Hon. Mr. SCOTT—No doubt it would be the municipal officer. It is only in these cases where there is no officer of the federal government.

Hon. Mr. LOUGHEED—There is nothing to indicate or outline what the duties of the officials of the department may be on a question of this kind.

Hon. Mr. SCOTT—It is only to provide for the possibility. I do not suppose there are twenty per cent of the municipalities where there is an officer connected with immigration, and, therefore, the municipal clerk is named. It is in the interest of the municipality as well as the interest of the public that the communication should be sent to the Minister of the Interior. I do not see that any possible difficulty can arise.

Hon. Mr. LOUGHEED—It simply relieves the federal official of the performance of a duty which should devolve upon him ; that certainly would be the result of the clause going as it is.

Hon. Mr. SCOTT—If the hon. gentleman desires, I can add the words 'In the absence of an immigration agent there.'

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. MACDONALD (B.C.)—The Secretary of State will see that, without any fault of the municipality, the burden is by this Bill cast upon them. Unfortunately the man who is to be deported goes into a municipality, he may be there a day, a week or a month, and the expense of deporting that man is placed upon the municipality. Surely that would not be fair or proper. The deportation is not made at the instance of the municipality, but at the instance of the federal government. It is an important point I should think. It would not be fair to burden the municipality with a duty of that kind.

Hon. Mr. SCOTT—It is not intended to do so. The presumption is that it applies where there is no other official.

Hon. Mr. CLORAN—The clerk of the municipality is not always aware of those who go to jail or penitentiary. The penitentiaries are under the control of the government, and, in many instances, the clerk of the municipality would not know what parties are sent to the penitentiary. Would it not be well to have it made the duty of the warden of the penitentiary ? He would be in a much better position to know whether a certain man came to Canada during the last two years. I point that out as a suggestion, to facilitate the work. I think this clause is one of the best that could be put in the Act ; but it is difficult to get at the pedigree of the men who are condemned, and who become a charge on the public. The clause is all right as far as it goes, but does it go far enough ?

Hon. Mr. POWER—I do not think it would be desirable, and the Secretary of State will pardon me for saying so, to make the amendment which he proposes. If the immigrant becomes a charge on the municipality, then it should be the duty of the clerk or the secretary of the municipality to give the notice.

Hon. Mr. CLORAN—It would be to his interest, too.

Hon. Mr. POWER—Then if you look at subclause 3 of this Bill, it is provided that when the immigrant is an inmate of a penitentiary or prison, the Minister of Justice may, upon the request of the Minister of the Interior, issue an order to the warden of such penitentiary. In the cases where the immigrant is not in the penitentiary or other prison, it should be the duty of the municipality upon whom he becomes a charge to make the application ; it should not be the duty of any officer of this government. It should not be the duty of an immigration officer to find out whether an immigrant had become a charge on the municipality or not.

Hon. Mr. MACDONALD (B.C.)—Simple residence makes the municipality liable, but it does not state how long the residence must be, perhaps it may be only a week or two.

Hon. Mr. SULLIVAN—Is it the meaning of the Bill that they should take any man who is in a hospital, say for month or two ?

The CHAIRMAN—If he has become a public charge.

Hon. Mr. SULLIVAN—They are admitted to the hospital as pauper patients, although respectable people, that is, so far as being of good moral character is concerned. A man might be there with a broken leg for three months, and he would be a public charge, and I do not know whether that would necessitate deporting him.

Hon. Mr. SCOTT—After the remarks of the hon. gentleman from Halifax, will the House consent to allow the clause to stand as it was. I do not think there is any possible chance of difficulty arising.

Hon. Mr. LOUGHEED—But the object of the legislation is to make it effective, to promote as far as possible the deportation of undesirable immigrants. May I ask my hon. friend how the clerk of the municipality is to know who the inmates of this class in the penitentiary are ?

Hon. Mr. WATSON—They are a public charge.

Hon. Mr. LOUGHEED—The clerk of the municipality will have no knowledge of that. How is the clerk of the city of Toronto to know what immigrants are sent to a penitentiary ?

Hon. Mr. POWER—He does not need to know.

Hon. Mr. LOUGHEED—How is the clerk of Kingston to know what immigrants are within the walls of the penitentiary there ? They are a charge upon the country, and not upon the municipality.

Hon. Mr. SCOTT—It is not intended to apply to a case of that kind. It is simply where they are a charge.

Hon. Mr. LOUGHEED—The machinery is not at all effective for carrying out the object of the Act.

Hon. Mr. POWER—The man who is an inmate of the penitentiary of Kingston will not be a charge upon the funds of the city of Toronto, and under paragraph 3 it is provided that when a man is an inmate of a penitentiary, jail or prison, the Minister of Justice may, on the requisition of the Minister of the Interior, issue an order to the warden or governor of such penitentiary, jail, prison, and so on.

Hon. Mr. LOUGHEED—But the duty must devolve upon some one to direct the attention of the government to the fact of this man being within the class, and being a charge upon the country. It is on account of his being an undesirable citizen that he is deported. It is not simply that he has become a charge upon some particular institution.

Hon. Mr. WATSON—No doubt the charge on the institution will be on the municipality, and no person will know sooner than the clerk of the municipality.

Hon. Mr. CLORAN—That is for a small town.

Hon. Mr. WATSON—It does not matter what town you take. Name the official if you will, but they are the people who are complaining about immigrants becoming a public charge on the municipality, and this provides that when they become a charge on the municipality the clerk shall notify the Minister of the Interior.

Hon. Mr. CLORAN—The idea is to get rid of the criminal classes that come into the country and not to feed and house them after they are here. A poor immigrant may come here and be at a public institution a month or two until he gets work. I do not suppose there is any intention on the part of the government to drive that man out of Canada ; but there should be the intention on the part of the government to drive the criminal class away. To my mind the most competent man in the municipality or in any department of the public service, to find out whether the man before the bar of the court is a criminal, is the clerk of the court. The police court clerk or the clerk of the criminal court, because his first duty is to ascertain the name of the man, his residence, age and where he came from. If we want to make this Act effective, the clerk of the criminal court, as far as jails, penitentiaries and

prisons are concerned, is the same officer, and that same officer would not be competent to obtain information with regard to charitable institutions no more than our hon. colleague, Senator David, who is clerk of the city of Montreal, would be able to furnish information in regard to public institutions, much less jails and penitentiaries. So that the competent man to communicate to the department as to the character of these men, where they come from, and whether they are criminals or not, is the clerk of the police court. It is his business to find out. I do not see that we could force the police clerk to do it, but it would be a very proper thing to pay him and it would not cost us very much. They could be paid pro rata if they sent in the names every month, and reported to the Minister of Justice that such and such a one has been found guilty and has been sent to such a jail or such a prison. Let the country pay the clerk for that work, so much for every name, and he would make it a point to keep the government informed as to the class of criminals, whether they were our own or foreigners who were condemned. I know as a matter of fact, in the city of Montreal—and it should be the same in every large centre—we are sending hundreds of foreigners to our penitentiaries, costing hundreds of dollars every year, when we have enough to do to take care of our own people. That is done in every town, and I suppose it is the same in Toronto. I observed that no later than yesterday some inspector in Ontario has taken action to have an immigrant sent back to the old country. Col Denison, the police magistrate of the city of Toronto, has given public notice to the press—I do not know whether he has given it through official channels to the department—that if the department does not take action in the matter, he will liberate this criminal, who was sent over by the Prisoners' Aid Society of London, and who has been confined for three weeks in the Toronto jail. The case has come up, and his counsel is pleading for his liberty on the ground that he is held without any charge against him. The only charge is that he was sent from the old country as a criminal, to get rid of him. This proves that the people who are most competent to find out the criminal class are the clerks of the courts. This clause is all right, but the question is how to make it as effective as possible.

Hon. Mr. SULLIVAN—I think that the most effective way is that when a man becomes a charge on a municipality is to inquire whether he is a criminal or not.

The clause was adopted.

On subclause 2,

2. On receipt of such information the minister may, in his discretion, after investigating the facts, order the deportation of such immigrant at the cost and charges of such immigrant if he is able to pay, and if not then at the cost of the municipality wherein he has last been regularly resident, if so ordered by the minister, and if he is a vagrant or tramp, or there is no such municipality, then at the cost of the Department of the Interior.

Hon. Mr. ELLIS—It seems to me it is quite unfair to put this charge on the municipality. The municipality is not responsible in any way for the man coming in to the country, and taking the two sections together, the gist of it is that if a man is in the hospital or any charitable institution through any accident which may have happened to him within the period of a year after he has come to this country, he comes within the operation of this clause. He may be a good citizen, so far as a man can learn citizenship in that length of time. He meets with an accident and is laid up. He can be deported at the expense of the municipality. Why should not the government, who is responsible for his coming into the country in the first instance, at any rate as much responsible for his coming into the country as any other agency, bear the cost, instead of the municipality? There in another point; if it is found that the charge is made against a municipality, the officers of the municipality will not deport the man at all.

Hon. Mr. SCOTT—I spoke to the minister in reference to this question, and he said it was not the intention of the government, except where a man had become a resident, and had resided in the municipality for over a year, and was identified with the municipality, to enforce this provision. It is not likely to arise at all events in a great majority of cases, because I quite agree with the remarks of the hon. gentleman from St. John, and I so stated to the minister, and he said it was rather a precaution to get those municipalities interested so that

they would call the attention of the government to the matter. If they were not interested in some way or other they would not call attention to it.

Hon. Mr. LOUGHEED—I agree with the remarks of the hon. gentleman from St. John, more particularly because of an undesirable class of immigrants who are coming into Canada and who eventually have to be deported. They are a great tax on the municipalities, particularly of the western provinces. I am quite within the mark when I say that the policing of the municipalities west of the great lakes has been increased at least three-fold within the last seven or eight years by reason of a very undesirable class of immigrants brought in from continental Europe. And to provide that, owing to this class of immigrant being dumped upon municipalities, in addition to the excessive cost now borne by the municipal authorities in maintaining peace and good order within their boundaries, they should be called upon to pay the cost of deporting such immigrants, is certainly adding insult to injury. It is entirely indefensible. The responsibility rests entirely on the government, and if the government have opened the doors of Canada to such an extent as to admit the most undesirable classes that come from continental Europe into our municipalities, the least they could do is to pay the cost of deporting them.

Hon. Mr. SCOTT—I would direct the hon. gentlemen's attention to the fact that it would require a special order of the minister to make a charge. It struck me, when I read it, as being an unusual proposition, and I so represented to Mr. Oliver. He said the department is not likely to impose the charge on the municipality unless the person has become identified with the municipality and contributed in some way as a resident. I have no strong views on the subject. I quite agree that it would be improper to charge the municipality in all cases, though there might be cases in which it would be but right. If the House is not satisfied to leave the discretion with the minister, the clause will have to be struck out.

Hon. Mr. McGREGOR—I hardly agree with the leader of the House and the hon. members from Calgary and St John. There are two sides to the story. While there are many undesirable immigrants coming to the country, there are a great many more who are most desirable, and every municipality is anxious to get them. The municipalities have a right to take the bad with the good, and if there is only one in every ten, or one in every hundred——

Hon. Mr. SCOTT—One in every thousand.

Hon. Mr. McGREGOR—Only one in every hundred that will be a trouble; the municipality has a right to pay for it and not the country.

Hon. Sir MACKENZIE BOWELL—It seems to me to be a rather inhuman proposition to a certain extent. There is provision here that if at any time within two years an immigrant becomes a public charge or an inmate of a hospital or other charitable institution, he is to be deported. There are plenty of cases where, through accident, an unfortunate immigrant is unable to earn his living, and if he had to be placed in some charitable institution, power is given under this Act to have him deported at the expense of the municipality. I do not look upon imposing the burden upon the municipality as being so strong an objection as I do to giving power to the government to deport a man who becomes an object of charity through accident, or something that is not his own fault. It seems to me a monstrous proposition.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

The House was adjourned during pleasure.

## BILLS ASSENTED TO.

The Honourable the Chief Justice of Canada, Deputy to His Excellency the Governor General, being seated in front of the Throne.

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House:

It is the Deputy Governor's desire that they attend him immediately in this House.

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follow:

An Act to amend the Interpretation Act.
An Act respecting La Banque Nationale.
An Act to incorporate the United Baptist Women's Missionary Union of the Maritime Provinces.
An Act for the relief of Osprey George Valentine Spain.
An Act respecting thhe British American Assurance Company.
An Act for the relief of Celina Kingan Ansley.
An Act for the relief of George William Hadley.
An Act to revive certain patents of the Nichols Copper Company.
An Act to incorporate the Traveller's Indemnity Company of Canada.
An Act respecting the Lake Superior Power Company.
An Act respecting the Crawford Bay and St. Mary's Railway Company.
An Act respecting the Grand Valley Railway Company.
An Act respecting the St. Maurice Valley Railway Company.
An Act to amend the Canada Shipping Act.
An Act respecting the Grand Trunk Railway Company of Canada.
An Act respecting the Midway and Vernon Railway Company.
An Act respecting the Alberta Central Railway Company.
An Act respecting Klondike Mines Railway Company.
An Act to incorporate the Burrard Westminster Boundary Railway and Navigation Company.
An Act respecting the Canadian Northern Quebec Railway Company.
An Act respecting patents of the International Paper Company.
An Act to incorporate the Ontario and Quebec Railway Ferry Company.
An Act to incorporate the Nipissing Central Railway Company.
An Act to authorize the exchange of certain lands.
An Act to incorporate the Bonaventure and Gaspé Telephone Company, Limited.
An Act to incorporate the Protective Association of Canada.
An Act respecting the Duties of Customs.
An Act to amend the Yukon Act.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :

In His Majesty's name, His Honour the Deputy Governor doth assent to these Bills.

After some time the House resumed, in Committee of the Whole, consideration of Bill (143) An Act to amend the Immigration Act.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again on Monday next.

The Senate adjourned until Monday next at 8 p.m.

## SENATE.

OTTAWA, Monday, April 15, 1907.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

### WINNIPEG TERMINALS OF CANADIAN NORTHERN RAILWAY AND GRAND TRUNK PACIFIC BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (128) An Act respecting the Winnipeg Terminals of the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company.

He said : This Bill consists of only three sections. It confirms an agreement made between the Canadian Northern Railway, the government and the Grand Trunk Pacific. The terminals at Winnipeg that are intended to be used by the three companies lie between Main St. and Water St. and extend from the Red river to the Assiniboine. The cost price is $2,625,000, and the rental will be four per cent upon that sum, the Canadian Northern Railway bearing one-half, and the Grand Trunk Pacific and the government the other half. When we go into committee on the Bill I shall be glad to give any fuller particulars that may be desired, and will have a plan of the city showing the proposed undertaking so that hon. gentlemen will have an opportunity of more fully appreciating the character of the arrangement.

The motion was agreed to, and the Bill was read the second time.

### OLD AGE PENSIONS.

DEBATE POSTPONED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. McMullen: That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all correspondence in the hands of the government, or any department thereof, on the question of old age pensions to aged residents in Canada, or retiring allowances in any form.—Hon. Mr. Sullivan.

Hon. Mr. SULLIVAN—I must ask permission of the Senate to let this order remain over until to-morrow, on account of the absence of the right hon. Sir Richard Cartwright, who, I suppose, would like to close the debate. Moreover, I have heard

of the debate which took place on the same subject in the British House of Commons in March last, when the principle of the Bill was assented to by the government. I should like to have time to look at the figures submitted during that debate in order to make my own remarks more complete. I therefore move that the debate be adjourned until to-morrow.

Hon. Mr. SCOTT—I have no objection, but the hon. gentleman is rather unfortunate in comparing the conditions in England with the conditions in Canada. It never appeared to me that there was any necessity for this scheme in Canada. As a matter of fact there are no more poor people in this country than are necessary to keep alive the sentiment of humanity.

Hon. Mr. LOUGHEED—Is the hon. gentleman going to proceed with the debate?

Hon. Mr. SCOTT—No, what I am saying is more in the way of an apology to my hon. friend. I was sorry that he considered my observations the other day were personal. They were nothing of the kind, only I did think that an abstract question of this kind ought not to be discussed where there was any actual living business before the House. It was practically reducing the Senate to the status of a debating society.

Hon. Mr. FERGUSON—The government must have been happy over this subject when the hon. Secretary of State has such an opinion of the measure, in contrast with the opinion expressed by the right hon. Minister of Trade and Commerce.

Hon. Mr. SCOTT—Not at all. The hon. gentleman will remember that Sir Richard Cartwright said: 'I am wholly and solely alone in this matter; I do not introduce it as a member of the government even'; but he had his views and wanted to lay them before the House and the country. I do not concur in them, and I do not know that any of his colleagues do.

The motion was agreed to.

## IMMIGRATION ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (143) An Act to amend the Immigration Act.

(In the Committee.)

On subclause 2, of clause 2,

2. On receipt of such information the minister may, in his discretion, after investigating the facts, order the deportation of such immigrant at the cost and charges of such immigrant if he is able to pay, and if not then at the cost of the municipality wherein he has last been regularly resident, if so ordered by the minister, and if he is a vagrant or tramp, or there is no such municipality, then at the cost of the Department of the Interior.

Hon. Mr. SCOTT—I understood that this third clause was carried, and I promised to see the minister on the subject and discuss with him as to whether some other arrangements might not be made. My own view was that the only proposal to impose on the municipality the expense of taking part in the deportation was where the municipality, as is often the case, had been practically responsible for bringing the individual to this country. We know that associations and societies in all the cities and towns send requests to the agents in the United Kingdom, or it may be elsewhere, to forward to Canada as emigrants persons who are indigent, and sometimes criminal, and it is only in a case of that kind that the municipality is to become in any way responsible, but if hon. gentlemen will look further on in the Bill they will see that there will be really no expense, because the railway company that conveys such persons into the country are bound to take them back free of charge, and so is the steamship company that brings them into our ports. I do not, therefore, think it is a very important point.

Hon. Sir MACKENZIE BOWELL—Any one who considers this question for a few moments will find that the country is placing itself in a very, shall I say unfavourable position towards other countries. I can easily understand that if any of this class of people who are mentioned in clause two of this section, were known to have been inmates of penitentiaries or jails, or of the character that is described here, that they should be sent back; but what evidence would there be in a foreign country, for instance say in the United States? A man born in the United States comes to Canada and remains here two years and then steals something and is sent to a penitentiary, or jail or prison. Does the government suppose for a moment that the people of the United States would take him back if you sent him? Yet the clause says that whenever, in Canada, an immigrant has, within two years of landing in Canada, become a public charge or an inmate of a hospi-

tal, it shall be the duty of the clerk or secretary of the municipality to forthwith notify the department, giving full particulars, and then the minister is empowered under this Act to deport him, and send him back to the country from whence he came. Take a man coming from England, Scotland, or any portion of the British empire, or any foreign country, who has been, so far as we know, or able to know, a good citizen for eighteen or nineteen months, and then he commits a crime, and is sent to jail, or is taken sick and sent to the hospital and becomes an object of charity on the municipality, that man would be sent back. If a Canadian went to England, and after being for two years a resident in that country, commits some crime, instead of punishing him and sending him to jail in the country in which he committed the crime, he would be deported back to Canada. What evidence would you demand from the people of England that he had committed that crime? They would have to prove that he was a Canadian and you would have to be convinced before you would accept him in this country as a criminal that he was a Canadian. How much worse it would be if a man was unfortunate through illness, injury, or some other cause became a pauper or unable to earn his living, and was sent to the hospital and became an invalid? I think that clause is a monstrous one, and before it has been on the statute-book for many years the government will find themselves surrounded with a great many difficulties and negotiations and trouble; because if we sent him back to his own country the authorities there would say: 'We will not accept him, and will send him back to you again.

Hon. Mr. MACDONALD (B.C.)—And in that way keep him on the sea for years.

Hon. Sir MACKENZIE BOWELL—It seems to me most extraordinary legislation. I could readily understand if a man was an invalid and become a charity upon any municipality or country upon his landing, or if it were known that he was of bad character, that he had been a thief or had been in jail and then sent to this country, we might refuse to accept him, and send him back. But I think this provision is totally impracticable and that the government will never be able to inforce it.

Hon. Mr. WATSON—With reference to the remarks just made, and the contention that we should not make a change in the law, that will make it more plain, that the department have more power for deporting people, I desire to read a paragraph from the 'Evening Journal' of April 11, of this year. A Canadian Associated Press despatch, to that paper reads as follows:

> London, April 11.—Arthur Lloyd, aged forty-eight, an old offender, charged with housebreaking, was bound over by Judge Wallace, friends having provided his passage money to Canada.

Here is another paragraph which appeared in the Ottawa 'Citizen':

> The Justice Department here is blamed at Toronto for delay in having a notorious English crook, Isaac Isaacs, deported. He was dumped upon Canada by the English authorities.

That gentleman has been deported; it was found he was a criminal of the worst character. He had been sent out here as a ticket of leave man, and was bound by the authorities in England to report to the authorities in the city of Toronto. I think that we cannot give too much power to the immigration department to deport characters of that kind who come to this country. A question was raised the other day as to who should notify the minister, and it has been suggested by a gentleman who is familiar with the work of this department, that this clause might be amended by adding after the words 'or an inmate' in the 14th line, the words 'or has become an inmate of a jail, etc.,' and after the word 'municipality' in the 16th line—that is the clerk or secretary of the municipality—we should add the words 'the warden or governor of a penitentiary, jail or prison.'

Hon. Mr. POWER—That is provided in subclause 3.

Hon. Mr. WATSON—I certainly think that we cannot give too much power to the government to deport undesirable characters. I understand from the commission on immigration that at the present time there are about a dozen immigrants of bad character being deported. I understand that last year something like 400 were deported, not because of any criminal act committed by them in Canada, but because the government were possessed of information of their sailing from the old country, and on their arrival here they were turned

back. I understand about 400 were turned back at Halifax and St. John as not being desirable settlers. The authorities ought to be given to understand that we will not tolerate that class of people in our country. I have no doubt that a great many of them are sent out to the west in the sparcely settled districts, men of a criminal turn of mind who might do a great deal of harm in communities were there is no police protection, and I am strongly in favour of giving the government the greatest possible latitude to deport such people.

Hon. Mr. BERNIER—There may be a great deal of propriety in deporting an immigrant, but where is the fairness of saddling the expense of it on the municipality?

Hon. Mr. WATSON—Is the hon. gentleman aware of any case where the government has saddled the municipality with that expense?

Hon. Mr. BERNIER—No, but it is proposed to do it.

Hon. Mr. WATSON—We have had that law before, and I am informed with regard to the cases of charity where immigrants are kept in a hospital, that the government do not deport them merely because of a short sickness. They may recover, but they do not charge the municipality with even the extra cost of keeping them. In the province of Manitoba where the provincial government allowed thirty-seven and one-half cents a day towards hospitals for the keeping of the inmates, the government paid the difference between that and the dollar a day which is the actual cost of keeping these people. The Bill provides for the deporting and for taking two years within which to deport them. One reason, I understand, is this; that a criminal is convicted in Canada, and the authorities do not feel that that man should be relieved from serving in the penitentiary. He is probably sentenced for two years, and a short time before his time has expired they petition to have him let out on ticket-of-leave, and he is then under charge of the government and they can do what they like with him, and during that period, when he is out on ticket-of-leave, they deport him to his own country.

Hon. Sir MACKENZIE BOWELL—I do not think anything that has fallen from my lips is at all at variance with the policy advocated by the hon. gentleman. I especially guarded myself by saying that all immigrants described by the hon. gentleman should be deported at once. I acknowledge that, and the evidence that the hon. gentleman has advanced only shows that we ought to have enforced the immigration law more rigidly than we do; but what I have pointed out is that a man may be in the country less than two years and commit a crime. We cannot tell under what circumstances he may commit it, or he becomes a pauper or a charity upon a municipality and is sent to jail. If he has been in Canada nineteen months, before committing that crime you can deport him, although there may not be the slightest evidence that that man has been of a criminal character before he came to this country. These crimes always have a beginning, and it is just as likely the beginning may have been in this country as in the old country. If a ticket-of-leave man comes to this country and he is found to be of the character described, he should be sent back at once. We adopted the principle of ticket-of-leave suggested by the late Minister of Justice in this House, by passing a law which has been acted upon in a very great number of cases. It has been shown that these ticket-of-leave men have returned to their former avocation of stealing, and have been not only an incubus on the municipalities, but a terror to the people. If such men were sent to us, the department would be quite justified in deporting them. The difficulty is in saying that because an unfortunate man has to go to the poorhouse after being in this country for some months, he must be deported, or if he commits some crime and is sent to jail he must be sent out of the country. There will always be a difficulty in enforcing such a law.

Hon. Mr. SULLIVAN—This difficulty might be overcome by the clerk of the institution giving notice. Take the case of Kingston penitentiary, which is really not in the municipality. It is on the border of Kingston, and I do not see what the clerk of the city would have to do with the notification. In that case the warden of the penitentiary should notify the government.

Hon. Mr. CLORAN—The hon. gentleman from Portage la Prairie was about to move

an amendment to this Bill, but on the suggestion of the hon. senator from Halifax, who said it was already provided for in clause 3, he refrained from doing so. On reading over clause 3, it will be seen that the intention of the hon. gentleman is not carried out. The warden is not bound to report to the department, but is bound to obey the order to hand over the criminal. Clause 3 reads as follows :

3. When the immigrant is an inmate of a penitentiary, jail or prison, the Minister of Justice may, upon the request of the Minister of the Interior, issue an order to the warden or governor of such penitentiary, jail or prison, commanding him to deliver the said immigrant to the person named in the warrant issued by the superintendent of immigration.

Now there are no instructions in this Bill to the warden to notify the department that among his guests there are certain people who have no right to be in the country. I do not think that wardens or governors of prisons or jails would make themselves over officious in this matter unless instructions were sent them by the Department of Justice. That department has no power to give such instructions ; it is simply at the request of the Minister of the Interior that the warden is to hand over the prisoner. So I regret that the hon. senator from Portage la Prairie did not insist on his amendment to include the words 'warden of penitentiary or jail.' We are not opposed to this Bill, but want to attain the object in view as fully as possible. The clause under which instructions are given to public officials to notify the department that certain prisoners are an undesirable class of immigrants will be ineffective, because the department is trying to exercise power over officials who are not within its jurisdiction. I would suggest that one of the most efficient means you can place in the hands of the minister to secure information with regard to immigrants of that class is to add the words 'clerk of the police court or clerk of the crown.' These are the men who come into contact with that class of immigrants. Undesirable immigrants are often arrested very shortly after their arrival in the country. They soon get into the hands of the police, and the first man to become acquainted with them is the man who arraigns them in the court. The clerk of the municipality knows nothing whatever of what is going on in the courts. If there is to be any amendment I would suggest that the clerk of the police court is the one more likely to have the information which should be given to the Department of the Interior. There is another point in this : you provide in one clause that the clerk of the municipality shall furnish this information to the department, and in the next clause you give him every reason why he should not do so. You say to him, 'report to the department that there are certain undesirable immigrants who are a burden owing to their criminality or incapacity to earn an honest livelihood,' and then you provide that the cost of deporting those people may be charged against the municipality, at the discretion of the minister. What clerk of a poor village or township council would be likely to furnish this information with the knowledge that the cost of the deportation of the objectionable immigrants would be charged to the municipality ? From another point of view, the municipality would not be responsible for the presence of these undesirable strangers within its borders. It is not fair on the part of the government to saddle upon a municipality the cost of carying out its own policy. It is for the government in the first place to see that no undesirable immigrant is admitted into the country. They should adopt the same precautions that are taken in the United States where they fully examine into the mental condition, pedigree and antecedents of immigrants from the old country .

Hon. Mr. POWER—I am afraid that if the department had to examine the pedigrees of all the immigrants coming into the country it would be a serious undertaking.

Hon. Mr. CLORAN—It is done in the United States, and they have no trouble after the immigrant passes out of Castle Garden. Why should we not adopt the same policy in this country ? It would pay in the long run. It may be a little difficult and costly, but still the responsibility rests with the federal government, and they should bear it and not saddle the cost on innocent municipalities into which these criminal immigrants drift. The Bill is one which should pass, but measures of this kind should be submitted to people who have some experience in drafting laws, so that there will not be difficulty in enforcing

them. Let us make the Bill, before it passes the Senate, as clear and effective as possible. If the Senate had a little time to redraft this Bill, they could put a better law on the statute-book than they are asked to sanction this evening.

Hon. Mr. POWER—The government have laid before this House a Bill which proposes to amend two sections of the existing law, which was passed last session. The hon. senator from Victoria Division wishes us to recast a large portion of an Act which has only been in existence one year. Sufficient for the day is the evil thereof, and we should be satisfied to wait until there is some necessity to recast the Act. When this Bill was before us last year I opposed the two years' clause. I thought that was too long a time, that one year would be sufficient and that an immigrant who lapsed in to evil ways after the expiration of one year should not be deported. However, this Bill makes no change in that respect. The first subsection of section 33, which the subsection before us is intended to repeal and take the place of, provides that whenever in Canada an immigrant has within two years of his landing in Canada committed a crime involving moral turpitude or become an inmate of a jail or hospital or other charitable institution, it should be the duty of the clerk or secretary of the municipality to forthwith notify the minister thereof, giving full particulars. Now, the only change made by the subclause before us is that instead of saying 'commit a crime involving moral turpitude,' it is 'become a public charge or an inmate of a penitentiary, &c.' The duty is put upon the clerk or secretary to notify the minister, giving full particulars in both cases; so the question really is whether there is any objection to substituting the words 'becoming a public charge' for 'moral turpitude'.

Hon. Mr. CLORAN—Can the hon gentleman say how many clerks of the municipalities have notified the department since that Act was passed?

Hon. Mr. POWER—I understand the immigration department has kept track of all those men, and the municipalities have not hitherto been put to the cost of deporting them or giving notice. But if a man has been living in a municipality, been practically domiciled there for a year and a half and becomes a charge on the municipality, it is only reasonable that the clerk of the municipality should notify the agent of the Minister of the Interior.

Hon. Mr. SULLIVAN—Must he be a charge on the municipality?

Hon. Mr. POWER—That is one of the conditions.

Hon. Mr. SULLIVAN—That alters it.

On sub-clause 3;

3. When the immigrant is an immate of a penitentiary, jail or prison, the Minister of Justice may, upon the request of the Minister of the Interior, issue an order to the warden or governor of such penitentiary, jail or prison, commanding him to deliver the said immigrant to the person named in the warrant issued by the superintendent of immigration as hereinafter provided, with a view to the deportation of such immigrant; and the superintendent of immigration shall issue his warrant to such person as he may authorize to receive such immigrant from the warden or governor of the penitentiary, jail or prison, as the case may be, and such order and warrant may be in the form given in schedule two to this Act.

Hon. Mr. MACDONALD (B.C.)—I think this will be quite unworkable. The government never can keep track of the railways and ships which bring in the immigrants and, even if they could, it would be a great injustice to return those men to Europe, when, perhaps, they were innocent men before they left home. This Bill concerns Great Britain as much as it does Canada. It proposes to dump on the shores of that country criminals that we will not have in Canada. This Bill will pass, no doubt, but it is unfair to the Senate that the minister should have placed in his hands a cast iron Bill to which he will not accept an amendment. The Bill ought to be reserved for the consent of the King in Council as it concerns Great Britain as much as it concerns Canada—in fact more so, because it proposes to dump on the shores of the mother country a criminal class. It will be well if the Bill can be reserved for the consideration of the imperial government before it is allowed to become law.

Hon. Mr SCOTT—This is not a new proposition. The practice has been going on for a number of years, and this Bill is the result of the experience of those who have had to do with it. There has been no protest from the public about it.

Hon. Mr. MACDONALD (B.C.)—Have any convicts been deported ?

Hon. Mr. SCOTT—Of course, there have been convicts deported. Did not the hon. gentleman mention the number, some 400, that were deported last year—persons afflicted with incurable diseases as well as criminals. Some hospitals in Europe make it a practice to send undesirable persons to this country to become a charge on the public. Deportations have been going on for several years, in fact since immigration has assumed its present size and importance. This Bill has been framed by parties who had to do with the working of it. The principle is exactly the same as that of the Act passed last year when the two years' term and many other conditions were enacted. In reference to the municipalities, when I spoke to the Minister of the Interior he said they had no idea of casting on a municipality the cost of deporting an undesirable immigrant except in a case where there was good reason for it, as in the case I gave. Persons and municipalities sometimes ask that a certain class of servants should be brought out. If individuals thus brought out become undesirable as immigrants it may be right that some of the preliminary charge should be imposed on the municipality, but the responsibility is really on the railway company that brought such persons into the country and the steamship company that brought them into port. For instance, if an undesirable person at Winnipeg had reached that point by the Canadian Pacific Railway, that company would be obliged to return him to the port of entry, so there is no charge, practically, except on the transportation companies that brought the person to Canada. That is set out clearly in clauses 5 and 6, which read as follows :

5. Every immigrant deported under this section shall be carried, by the same transportation company or companies which brought him into Canada, to the port from which he came to Canada, without receiving the usual payment for such carriage.

6. In case he was brought into Canada by a railway company such company shall similarly convey him or secure his conveyance from the municipality or locality whence he is to be deported to the country whence he was brought.

Hon. Mr. ELLIS—Hon. gentlemen will excuse me if I am a little insistent on some points. The hon. Secretary of State, a few moment ago, referred to those feelings of common humanity which sometimes animate us, and perhaps it is a bad thing to have those feelings when you are a legislator. Under subclause three, a man who has nothing against him may come to this country. He is here a year and commits some offence and is put in prison. He can therefore be deported out of the country without the slightest regard to his rights.

Hon. Mr. SCOTT—Not necessarily.

Hon. Mr. ELLIS—Not necessarily, but he can be sent out of the country. I, perhaps, start off in my mind with a feeling against deportation, although I admit its necessity. It is a very hard thing, and I have been moved to compassion, so far as it is possible to move me, at seeing, for instance, a family held up because one of its members has some disease. What is to be done ? The officers are called upon to do their duty and they must deport that person. It involves so many serious consequences to the family that we do not like to look upon it. A man may have put all he can get in this world into his passage money from the place he lived in, some central or south of Europe country, to carry him to the port of Amsterdam or Liverpool, and he comes across the Atlantic with high hopes of what he may do in this new land. There is something against him and he is sent back. I remember the case of a man who came from one of the Danubian principalities. He was a man of some means but there was some objection to him, and he was rejected, either by officials of our government or of the United States government. He had money enough to pay his passage back, and the officers told him he had to go back. He went back, but in mid-ocean disappeared. I could tell the House a dozen sad and very pathetic things in connection with deportation. The hon. Secretary of State must excuse some of us if we do not take kindly to legislation of this kind. I remember a case of a man who was detained at St. John in the winter season. These people do not know what is before them when they come to Canada. Their experience is based on what they know of the countries from which they come, and they are children really in this country. The man of whom I speak was confined up stairs in the station. In the night-time he jumped out of the window

and fell into the harbour of St. John. It was very severe weather, but the harbour never freezes and this man managed to scramble out. He had never been on the streets of the city before, and he ran until he saw a light, and burst into a house. His clothing was frozen on him, and he could not speak the English language. He was handed to an officer and I suppose was deported. It may be true that occasionally the English magistrates send out some tough characters to this country, but when you come to think that, so far as reported, four hundred people are all that have turned out bad out of 300,000 immigrants, the case does not seem to be so very bad after all. I observe that 10,000 people landed at the port of Montreal within the last week. There must have been some sinners amongst them ; we cannot have all saints. Therefore I say I would wish it were not found necessary to take the extreme measures which seem to be provided under this Bill against these people. Let hon. gentlemen think for a moment of the case of a man who has gathered his family and household goods together and spent a greater portion of his money to buy a passage out to Canada and for some reason, possibly illness in his family, the family has to go back to Europe, because it will happen that, if a child is ill the family cannot remain. The child cannot be abandoned. They go back, and the man is landed in the port from which he started. It may be in a country where he does not know the language. Nothing could be more sad. I am willing to believe that the immigration officials do all in their power to soften their troubles, but I deplore these stringent laws. I am not speaking so much on the Bill as the principle which underlies it.

Hon. Mr. LOUGHEED—The hon. gentleman must not overlook this fact, that owing to the peculiar policy adopted by the government within the last two years of giving large commissions to booking agents throughout continental Europe, they have with a muck rake very largely gathered up the criminal classes and sent them out to Canada. I mentioned the other day that owing to the importation of that class of people the municipalities of western Canada are paying at least three times as much as they formerly did to maintain peace and order. My hon. friend is a journalist and will be quite familiar with the fact that it is becoming fashionable in England, of late, to organize benevolent associations, for the purpose of assisting criminals, and those who have indicated a desire to do better after coming out of prison, to immigrate to Canada. They are sent out in very large numbers. There is scarcely a day that we do not find convicts with continental reputations landing on our shores, and while it may seem a hardship, and while it may appear that humanitarian methods are being excluded from dealing with that class of people, yet we have to consider our own interests as a country owing to the demoralization to society which the admission of those people must necessarily create. We also must take into consideration the fact that while we place on the statute-book legislation of this kind which may seem inhuman, yet the department of the government will be expected to administer it with a fair degree of humanity. I suppose there is no law of this kind but will be evidenced by its hardships ; at the same time one must take into consideration the more important element which we have in view in thus excluding from our borders a most undesirable and criminal class of immigrants. Therefore, I am in favour of giving very large powers to the government for the purpose of excluding those coming into the country who are found to be undersirable as citizens.

Hon. Sir MACKENZIE BOWELL—The difference between this Bill and the Act on the statute-book is this ; before you can make a charge on the municipality you must establish that the criminal has been a resident of that municipality. But, under the Bill, any one may be dumped upon a municipality and the people of the municipality must bear the burden.

The clause was adopted.

On clause 3 :

3. The said Act is amended by inserting the following section immediately after section 33:

33a. The master of any vessel bound for Canada, having on board thereof a stowaway, shall carry him to the port of destination of the vessel in Canada, and if it is a port of entry where there is an immigration building with an immigration agent in charge thereof, shall hand the stowaway over to the immigration agent, who shall detain him in safe keeping until the vessel is ready to leave the

port, when the stowaway shall be placed by the immigration agent in the custody of, and shall be received by, the master of the vessel on board of it.

Hon. Sir MACKENZIE BOWELL—Why should a stowaway who is not a criminal be deported ? Many a stowaway hides himself in the vessel for the purpose of getting out of the country in which he has lived, in order to do better elsewhere. I know when I was crossing the Pacific there were stowaways from Canada who secreted themselves in the vessel and were not discovered until we were some distance out. They were not criminals, but simply wanted to get away from Canada and make a fresh start in another country. There are always men of that kind who are not guilty of any crime beyond stealing their passage, and many of them are otherwise very respectable people.

Hon. Mr. LOUGHEED—I quite agree with my hon. friend as to the hardship of expelling from Canada a stowaway who may reach here under even the surreptitious circumstances mentioned in the clause. If that stowaway is able to pass the physical examination which other immigrants are subjected to, there is no good reason why he should not remain in Canada. It seems to me the very fact of his having become a stowaway indicates a degree of enterprise and confidence in himself.

Hon. Mr. CASGRAIN—And a degree of honesty ?

Hon. Mr. LOUGHEED— Which turned in the proper channel, might make him a good citizen. I think the very fact of the man's decision to come to Canada, and, when he has not any means, to resort to the very apt method of stowing himself away in the vessel and taking passage gratuitiously, is indicative of a certain amount of push, which in this country should be recognized.

Hon. Mr. SCOTT—The only explanation that I can give is that when we are compelling vessels to take back free of charge from this country undesirable persons, inasmuch as the vessel owners are always anxious to punish the stowaway, they bring him back if they can control him. They will not let him land but return him to his own country as a warning to others. I presume it would be the duty of the government to aid the steamship companies in their dealing with the stowaway. I quite agree with my hon. friend that it is very unfortunate that they should be turned back, but it is in accordance with the arrangements with the ship owners that this provision is made.

Hon. Mr. LOUGHEED—I would venture the suggestion that it is in no way incumbent upon the government to assist the vessel owners if they fail to exercise the proper vigilance as to who may get on board their vessels at points of embarkation. There is no duty of this kind devolving on the government. If the vessel owners choose to take the stowaway back, I see no reason why the government should enact a provision of this kind to assist them in so doing. This is something new in the law. Am I correct in saying that there is nothing analogous to it in the present Act.

Hon. Mr. SCOTT—Before another stage I will ascertain from the Minister of the Interior why this clause is inserted. My own view is that it is in accordance with some understanding with the vessel owner.

Hon. Mr. CLORAN—Probably the government has listened to the demands of the municipalities, and probably listened to the appeals made by this honourable House and on the floor of the House of Commons. Anybody who has had experience with the criminal courts and the seaports of this Dominion, will know that up to the present the steamship owners would bring up to the court three, four, seven or a dozen stowaways, and ask the police magistrate to sentence them for six months. I have seen it daily in the city of Montreal in the summer season. Many vessels that come in bring one or two or more stowaways, and I cannot altogether agree with the hon. gentleman from Calgary in his estimate of their character. As a rule a stowaway is one of the hardest cases which the police have to deal with in the country from which he comes, and they are no good example to our own citizens when they reach here. Up to the present in each municipality, especially Montreal, and I suppose the same thing happens in St. John,

Halifax and Quebec and other seaport towns—stowaways are brought in by the captain and simply dumped on the municipality. By an order from the police magistrate all that the captain has to say is 'these men did not pay their passage.' That is no crime against Canadian law. I pointed out two or three years ago that this country was punishing people who committed no crime against its laws, because if a crime is committed at all, it was when the stowaway, be he a lord or a poor man, hid himself in the hold of a vessel at Liverpool, London, or Amsterdam or any other seaport in Europe. The crime was committed at that very time; consequently it was a crime against the seaport from which he came. He committed no crime against Canadian law. These poor people had no means of defence, they were there an object of pity in our court, liable to go to jail for three or six months, depending on the demand of the captain of the vessel, and he wanted them punished as an example to others, just as if the punishment in Montreal, St. John or Quebec would have any effect on the hardened classes in European countries, to prevent stowaways from coming here, I urged that they had committed no crime against Canadian law, and the judges agreed with me, and they said 'What can we do? We know these poor men are objects of pity, they have committed no crime against our law, but the law says to punish them.' As a matter of fact they were not offenders against Canadian law, but all the captain had to do was to come into court and ask to have them sent to jail for three or four or six months and it was done, and the city of Montreal had to pay a part of the bill and the province of Quebec the balance, with the result that in summer-time our jails were often filled with a number of these people. I protested against that procedure for two or three years, and other gentlemen in the lower House did the same thing, and I have no doubt if my colleague, the clerk of the council of Montreal (Senator David) were here, and if the hon. Speaker of this House (Senator Dandurand) would express his views on the subject, they would say that I was right, that the city of Montreal should not be made to pay for the maintenance of these people during the six months of imprisonment; and the subsequent danger of having these unfortunates thrown on the charity of our citizens, having nothing whereby to earn a livelihood, always under the temptation of stealing the necessaries of life. This Bill will do away with that condition of things, and says to the captain of a steamship, 'You shall exercise due vigilance at the seaport from which you sail and allow nobody to go on board your ship unless entitled to do so.' The captain of the vessel is responsible for any entry into his ship. You may say, 'But it is a difficult thing for the captain to guard against.' We do not want him to watch individually, but he has watchmen on the ship. Sometimes the sailors act as watchmen; but it does happen that sailors are kind to these direlicts from the other side, and steal them on board. The company should be responsible and not the municipality. The government should not be held responsible for it, but the captain of the vessel which brings them here is the party to answer. The law provides that in future they shall not be dumped in Halifax, St. John, Quebec or Montreal or any other seaport, and there kept in jails or charitable institutions for six or twelve months, as the case may be; but as soon as they arrive the captain shall hand them over to the immigration officer, who shall detain them in safe custody till they are deported.

Hon. Mr. DOMVILLE—Why should they go back?

Hon. Mr. CLORAN—Because they had no right to come. I am quite prepared to accept the argument of the hon. gentleman from St. John, who has a very kind and soft heart, who says it is an awful thing to deport poor or sickly immigrants. It may be so in many cases, but it is absolutely necessary for the public health of Canada to deport incurables, people with contagious diseases. Sympathy is allowed no field in their case. Charity begins at home, and we have to protect our own people. We have enough contagious diseases in our own country, without allowing diseased people from foreign countries to plant themselves on our shores. It is not a question of being charitable to them but of being charitable to our own.

Hon. Mr. DOMVILLE—That has nothing to do with stowaways. They are coming to Canada to make a home and help build up the nation.

Hon. Mr. CLORAN—I was coming to that. The hon. gentleman from St. John said he considered it a hardship to have these people sent back. I am with him half way. I do not refuse the exercise of some mercy to these stowaways if they are capable of becoming fit and industrious citizens. I am prepared to have them accepted, but they should undergo a medical examination and should be under the surveillance of the police for a certain time, so that the authorities could communicate with the officials from the port whence they came. If a stowaway is able to establish by a medical examination that he is physically healthy, and if he is able to prove before our police authorities that his character is good; that he is able to secure a certificate of character, then I say keep that stowaway, make him a citizen. An hon. senator asked: 'How are you going to trace out the pedigree of an immigrant'? Why it is as easy as writing a letter—easier. All the police authority has to do, if he is in a hurry, is to cable to the authorities in the place where the immigrant came from. He asks the stowaway what is your name? John Smith. Where from? 'Liverpool, Dublin or Paris.' All the police officials have to do is to wire the authorities in that town and find out if his assertion is true. If the answer proves to be correct, and the official on the other side says that the man's character is good, keep that stowaway—keep every immigrant who has a body able to earn his living, and who can come here with a character, I will not say undefiled, but a character that will not be repudiated by his own people at home. That is the class of people we should encourage here. Under the circumstances, I think this clause is perfectly in order. It does away with the manifest injustice which has been in existence for numbers of years as against the great seaports of this country, and when a captain is asked to have these stowaways returned, he is only asked what he is bound to do, because he was the one responsible for permitting him to get on board his ship, and he should be compelled to comply with the law.

The subclause was adopted.

On subclause 2,

2. On receipt of such information the minister may, in his discretion, after investigating the facts, order the deportation of such immigrant at the cost and charges of such immigrant if he is able to pay, and if not then at the cost of the municipality wherein he has last been regularly resident, if so ordered by the minister, and if he is a vagrant or tramp, or there is no such municipality, then at the cost of the Department of the Interior.

Hon. Mr. McDONALD (C.B.)—I decidedly object to this clause. The argument of the hon. gentleman from Victoria has convinced me the clause is a wrong one.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. McDONALD (C.B.)—The hon. gentleman from Halifax says 'hear, hear.' I do not know whether that is intended to be ironical or not, but hon. gentlemen will see that the hon. member for Halifax is just as much interested as the people of Cape Breton. An immigration agent was appointed in North Sydney in January last at a salary of $1,000 a year. No regular immigrant has landed there for the last twenty years as far as I know. The only people who can be classed as immigrants coming to North Sydney, will be stowaways from ships and steamboats and they usually come from American ports. Hundreds of stowaways come to North Sydney. It would be highly unjust that the town of North Sydney, or any municipality of Cape Breton, should be compelled to send these stowaways back at the expense of the towns or municipalities, and I object to this clause. I do not see why an immigration agent should be required at a port like North Sydney, which is closed from 1st of January, until perhaps the last of April. No regular immigrants come there, and there is no possibility of regular immigrants coming in these steamers to North Sydney; therefore, unless this immigration agent was appointed for the purpose of this Act, so that he might have stowaways returned at expense of towns. I do not know what he could be appointed for.

Hon. Mr. LOUGHEED—The reason the office is so attractive is that there is nothing to do.

Hon. Mr. McDONALD (C.B.)—Yes, and the argument of the hon. gentleman from Victoria pointed this out to me very clearly.

Hon. Mr. CLORAN—I did not mention Sydney.

Hon. Mr. McDONALD (C.B.)—No.

Hon. Mr. LOUGHEED—I understand my hon. friend the Secretary of State to say that he would defer urging this clause until he would further consider it. It seems to me some consideration should be given to adopting a qualifying clause, so that if a stowaway has complied with all the tests required of other immigrants the government should permit him to remain in Canada.

Hon. Mr. SCOTT—I thought if we passed the Bill through committee, before taking another stage I would see the minister and discuss it with him. Of course we can easily go back to this clause if we see a ready solution of the problem.

Hon. Mr. POWER—If you substitute the word 'may' for 'shall,' you leave it discretionary with the authorities to act or not.

Hon. Mr. CLORAN—'May' is just as effective.

Hon. Mr. POWER—There may be cases where it would be desirable that the stowaways should be allowed to remain, and we should say 'and may detain him.' Some such slight change would leave a discretion.

Hon. Mr. LOUGHEED—The difficulty I see in making it permissive instead of mandatory would be that the officials of the government would probably accept the permissive form of the clause as indicating what the instructions of the department are, and would probably set the clause in motion. I think it would be very much better if there were a qualifying clause providing if the stowaway was able to comply with all the tests of the immigrant, that he should be permitted to remain.

Hon. Mr. WATSON—I should think that, on general principles, a stowaway is a character we do not want in this country.

Hon. Mr. POWER. Not at all.

Hon. Mr. WATSON—He may occasionally be a decent chap, but on general principles it will be a class we do not want. In the first place they have not the money to pay their passage, or they would pay it in the ordinary way.

Hon. Mr. LOUGHEED—Would you not consider him as good as some immigrants sent out by the parish, or by the criminal authorities ?

Hon. Mr. WATSON—Yes, as good as some, but as a rule not a desirable class. We can easily understand that in many instances stowaways are people who are escaping from justice, and there are no means of examining them at the port they embark from, because they board the vessel secretly, and stow themselves away, and I think the fullest power should be given to the government to deport them. I fancy the hon. Secretary of State will be able to get the information to-morrow, and the superintendent of immigration will no doubt have a good idea of the class of people the stowaways are.

Hon. Mr. CLORAN—They are a pretty tough class.

Hon. Mr. POWER—I think a stowaway is not necessarily the kind of person the hon. gentleman from Portage la Prairie thinks. I think a lad who has the energy and nerve to stow himself away on a vessel, to cross the Atlantic, has the necessary go-ahead character which will enable him to succeed.

Hon. Sir MACKENZIE BOWELL—Did the Secretary of State hear the remark made by the hon. gentleman from Cape Breton ? He states that there is an immigration agent at Cape Breton at $1,000 a year, although there has not been a regular immigrant there for the last twenty years. It is just as well the hon. gentleman should take a note of that and call attention of the minister to it. Surely it is unnecessary to keep an officer at a port where he has nothing at all to do, and where no immigrants ever come, and no probability of them coming, unless it be for the purpose of rewarding a political friend who has supported the party in some way or another.

Hon. Mr. SCOTT—If my memory is not at fault, I understood Sydney was one of the places that was aspiring to be the Canadian port for the Atlantic steamers. I

think Sydney is mentioned in the contract with the Allans.

Hon. Sir MACKENZIE BOWELL—Perhaps the appointment was made on the same principle that the Customs Department very often appoints preventive officers where they fear smuggling will take place. I suppose the Minister of the Interior, who manages that matter, is afraid that somebody will be landed at that port and brought into the country so that they want somebody to watch him.

Hon. Mr. CLORAN—This clause does not call for the appointment of an immigration agent. It says that at a place like Sydney, where there is no immigration officer, the captain of the vessel shall report to the justice of the peace. There are the two classes, stowaways who come in through where there is an immigration agent and an officer ; there the captain shall report to the immigration agent, but where there is no immigration agent he is to report to the justice of the peace, so that the clause in the law does not require them to appoint an agent.

Hon. Sir MACKENZIE BOWELL—No, but he said there was one at the port of Sydney at $1,000 a year. He did not say the law called for one.

Hon. Mr. McGREGOR—I did not hear the hon. gentleman from Cape Breton state that there were no emigrants coming to North Sydney in 20 years.

Hon. Mr. McDONALD— (C.B.)—Yes, I stated that not one, except from Newfoundland.

Hon. Mr. McGREGOR—There are many hundreds.

Hon. Mr. McDONALD (C.B)—Stowaways.

Hon. Mr McGREGOR—Are there not immigrants from Newfoundland ?

Hon. Mr. McDONALD (C.B.)—No, they are not immigrants, properly.

Hon. Mr. McGREGOR—Why not ? They do not belong to this province. I cannot draw the distinction. They come there by hundreds every year.

Hon. Mr. MACDONALD (C.B.)—They come in the spring of the year and go back in the fall, backwards and forwards.

Hon. Mr. CASGRAIN—I am very much surprised to hear the statement made that no immigrants land at Sydney.

Hon. Mr. POWER—North Sydney he said.

Hon. Mr. CASGRAIN—I wish to say that I am president of the Colonization Society in Montreal, and we had no less than 500 immigrants that came from St. Pierre and Miquelon this winter and last fall. They landed at Sydney.

Hon. Mr. LANDRY—How many does the hon. gentleman expect next winter ?

Mr. McDONALD (Cape Breton). Has the hon. gentleman official knowledge of these men coming to Canada via North Sydney ? If they did it would be the exception.

Hon. Mr. CASGRAIN—There were about 6,000 people on those islands, and they are about deserting the island entirely, and would all come to Canada. That was the information we got. Dr. Brison was the agent of the society, and he made several trips down there to the islands and 500 of them were induced to come to Canada.

Hon. Mr. LANDRY—Where are they now?

Hon. Mr. CASGRAIN—A great many of them went to the shanties and to the Northwest. There was a great deal of talk of some of them going back, but it appears only a small number of them returned.

Hon. Sir MACKENZIE BOWELL—Are smugglers not to be considered criminals ? We know that nearly everybody in the island of St. Pierre is a smuggler.

Hon. Mr. CASGRAIN—I should like to put the hon. gentleman right about that. I do not see what interest they have to smuggle there. The smugglers were people living on the St. Lawrence who went down to the islands in schooners and smuggled in wine and liquors, &c., but the people of St. Pierre would have no reason to smuggle at all, because they were in a place where they would not require to smuggle.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman has been administering

the Department of Customs for thirteen or fourteen years he would know better than to talk that way.

Hon. M. YOUNG from the committee reported that they had made some progress with the Bill and asked leave to sit again to-morrow.

The Senate adjourned until to-morrow at 3 p.m.

## SENATE.

OTTAWA, Tuesday, April 16, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### EXCURSIONS ON THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY rose

To call the attention of the Senate to the fact that in the last days of the month of March, a special excursion, over the Intercolonial Railway, or over any other railway, was organized, which allowed certain senators and members of the House of Commons a visit to the ports of St. John and Halifax, in the maritime provinces, and that he will inquire :

1. Was a special train, or at least a private car, put at the disposal of the excursionists ?

2. Of how many senators, members of the House of Commons, and other persons, was the party of excursionists composed, and who were they, by name ?

3. On what day and at what hour did the journey begin, and whence did the travellers set forth ?

4. Where did they go to, and how many days did the excursion last ?

5. On what day and at what hour of the day did the travellers return to their point of departure ?

6. Whether in going or in returning, at what intermediate station did other travellers increase the number of those excursionists by joining them in their private car ?

7. How many of the excursionists paid for the use of their private car ?

8. Was there a buffet on board this train or were there on the private car any facilities to supply its passengers with proper meals, and how many of the travellers took free meals thereat ?

9. If the excursionists did not pay for the private car nor for their meals, who then did pay ?

10. Was the invitation to go and visit the winter ports of Canada restricted only to senators and members of the House of Commons of the ministerial party ? Why ?

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—The answer sent me by the Department of Railways reads as follows :

Hon. Mr. ELLIS—I rise to a point of order. These questions are all out of order. My point is that the hon. gentleman's questions are not addressed to anybody. It is a general fishing inquiry, not addressed to a minister nor to any person who has authority in the Chamber to answer. The questions are largely hypothetical. It is not a matter of legislation in any way, and contravenes the general principles under which questions are permitted to be asked in this Chamber.

Hon. Mr. LANDRY—I do not think the point of order is well taken. The hon. gentleman states that I do not address the inquiry to any person. I am addressing it to the government. The government is the proprietor of the Intercolonial. It owns that railway and I want to know if on that railway any persons such as I have described were on board on such and such a day. The hon. Secretary of State can answer me ; the fact is that the government has the answers already prepared.

Hon. Mr. FERGUSON—I am rather surprised to hear such a point of order raised in connection with this inquiry. It is with regard to the use of the Intercolonial Railway, and we have a right to know whether a gratuitous service is given by the Intercolonial Railway to friends of the government or anybody else. I think it is a perfectly legitimate question, and one on which this House has a right to be informed, as to whether the Intercolonial Railway is being used for the purpose of granting favours to one set of men at the expense of the entire community. I cannot conceive for a moment that the point of order is at all reasonable.

Hon. Mr. ELLIS—I am afraid the hon. gentleman did not hear the way I put my point of order. I say the inquiry is not addressed to any minister or any person, that it is largely hypothetical and it is not in accordance with the practice of parliament, as put.

Hon. Mr. FERGUSON—I did not notice that point ; but the inquiry must, of course, be directed to those who have charge of the

Intercolonial Railway and the government has charge of the road. If the government object on that ground to giving an answer, my hon. friend will have to begin again; but very often our inquiries are made that way. The inquiry is made of the government who are responsible for the management of the Intercolonial Railway.

Hon. Mr. LOUGHEED—The inquiry can only be made of one particular authority, and that authority would, by implication, be shown by the wording of the notice. It must be manifest that it is addressed to the government, the only authority having to do with the Intercolonial Railway, and when any inquiry is submitted to this House it is well known that, without mentioning the government specifically, it is from the government the answer is expected. Therefore, the omission of the simple statement should not be taken to invalidate an inquiry of this kind. I therefore submit to the House that it must be taken to mean the government and no one else, and as my hon. friend the Secretary of State has apparently the answer prepared, it is quite evident that the government also assumed that the inquiry was addressed to it and to none other.

Hon. Mr. LANDRY—I did not ask the government specially, I asked in a general way.

Hon. Mr. FERGUSON—All the hon. gentleman has to do now is to direct his inquiry to the government.

Hon. Mr. LANDRY—I await the Speaker's decision.

The SPEAKER—I take the question to be in order, because it covers the operation of the Intercolonial Railway and I take it for granted that the inquiry is sufficiently indicative of a demand from a member of the government.

Hon. Mr. SCOTT—The answer placed in my hands is as follows:

The hon. Minister of Railways and Canals, learning that a party of eight members of parliament, from the west, desired to visit the maritime provinces (with which they were wholly unacquainted) placed at their disposal official car No. 28. No invitations were sent by the minister to any one. The following gentlemen constituted the party: Hon. Mr. Watson, Hon. Mr. Young, Messrs. John Crawford, M.P., S. J. Jackson, M.P., A. J. Adamson, M.P., T. A. Burrows, M.P., J. Cyr, M.P., A. J. Bell.

The party left Ottawa Thursday morning, March 28, at 8 o'clock, visited St. John and Halifax, and returned to Ottawa, Tuesday morning, April 2. All expenses were paid by the gentlemen, who, being senators and members of parliament were entitled to transportation under the law.

Hon. Mr. FERGUSON—What expense did that include—the hire of a special car?

Hon. Mr. SCOTT—Of course I can only give the answer that has been placed in my hands. The department sent it over to me. I presume the statement is true. Members of parliament I presume travel free on the Intercolonial Railway.

Hon. Mr. LANDRY—They are free on the Intercolonial Railway, but they pay their sleeping car fares.

Hon. Mr. SCOTT—I presume the expenses were paid by the party. The statement is that the government did not pay any expenses.

## THE NATIONAL TRANSCONTINENTAL RAILWAY ROUTE THROUGH NEW BRUNSWICK.

### INQUIRY.

Hon. Mr. FERGUSON inquired:

1. Which of the two routes back from St. John river proposed for the National Transcontinental Railway through the province of New Brunswick, has been approved by the government or the National Transcontinental Railway Commission?
2. What is the length, respectively, of the two routes aforesaid, between Grand Falls and Moncton?
3. What length, stated in miles, of the route, approved as aforesaid, has a grade exceeding four-tenths of one per cent per mile, and what is the maximum grade of the railway between the aforementioned places?
4. What length, stated in miles, of the approved route of the said railway, between the east end of the Quebec bridge and Grand Falls, N.B., has a grade exceeding four-tenths of one per cent per mile, and what is the maximum grade of the railway between the said places?

Hon. Mr. SCOTT—The reply sent me is as follows:

1. What is known as the 'Back Route' has been recommended by the commissioners for the approval of the government.

2. The length of the 'River Route' between Grand Falls and Moncton is 240·71 miles, and of the 'Back Route' with the Pusher grade 194·27 miles.

3. The 'Back Route' has a grade of 1·1 compensated for curvature for a distance of 12¾ miles. On the remainder of the distance the maximum grade adverse to east-bound traffic 0·4 per 100 feet, and adverse to westbound 0·6 per 100 feet.

4. There is a proposed grade of 1·1 adverse to west-bound traffic 9-9 10 miles in length just west of Lake Pohenegamook. Elsewhere the maximum grade adverse to east-bound traffic is 0·4, and adverse to westbound 0·6 per 100 feet.

## FRENCH VERSION OF KING'S REGULATIONS.

### INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has there been lately a consolidation of the regulations concerning the militia of Canada which are known under the name of 'The King's Regulations and Orders for the Militia of Canada' ?
2. Has it been adopted, and by whom ?
3. Have these regulations been published, or will they be soon ?
4. Is there a French version of these regulations ?
5. Has it been published or will it be published soon ?
6. Will the officers of the militia be put in possession of these regulations before the next annual training ?

Hon. Mr. SCOTT—The last revision of the Regulations and Orders for the militia was issued in 1904. Copies thereof were printed in the French language.

The Regulations and Orders are again being revised. As soon as the revision is completed it will be translated into French and printed. Neither the English nor the French edition will be issued before the next annual training.

## PROVINCIAL SUBSIDIES.

### MESSAGE FROM THE COMMONS POSTPONED.

The Order of the Day being called :

Consideration of the message from the House of Commons, informing the Senate that they have passed an address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures ; and requesting the Senate to unite with the House of Commons in the said address, by filling up the blank therein with the words 'Senate and'.

Hon. Mr. SCOTT—I move that this Order of the Day be discharged and that it be placed on the Orders of the Day for to-morrow.

Hon. Mr. FERGUSON—Will it be the first Order of the Day for to-morrow ?

Hon. Mr. SCOTT—Perhaps we had better say Thursday, because there is a slight change to be made in it.

Hon. Mr. FERGUSON—I should think there would be a slight change in it.

Hon. Mr. LOUGHEED—Can my hon. friend say what the proposed change is ? The House should have some notice of it before being called upon to discuss it.

Hon. Mr. SCOTT—The general provision with regard to subsidies is that the change takes place on the decennial census. In so far as Saskatchewan and Alberta are concerned, it was understood that a change was to take place at a quinquennial census for those provinces, and that an estimate of population should be made in the two and one-half years intervening ; that is the two and half years, five years, seven and one-half years and ten years. That is the only change.

Hon. Mr. LOUGHEED—So that the change will be inconsequential.

Hon. Mr. FERGUSON—The error is simply that resolution (c) agreed to at the interprovincial conference, has been left out of the address altogether. It seriously affects all the western provinces and involves probably millions of dollars.

Hon. Mr. SCOTT—I do not know, of course ; I have not had an opportunity to examine it.

The Order of the Day was discharged and placed on the Orders of the Day for Thursday.

## PROTECTION OF PROVINCIAL JURISDICTION.

### DEBATE RESUMED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Honourable Mr. David :

That he will move that it is expedient to resolve that :

1. The Senate will insist upon the application of section 92 of the British North America Act, 1867, in accordance with the spirit and true intent of that section, to the end that the exclusive powers of the legislatures of the provinces of Canada may be protected and preserved.

2. The Senate will not consider the mere insertion in a Bill of a declaration that a work is for the general advantage of Canada to be in itself sufficient foundation for the exercise of the legislative authority of the parliament of Canada.

3. The Senate will not pass any Bill containing a declaration that a local work or undertaking is for the general advantage of Canada or for the advantage of two or more of the provinces, unless the truth of that declaration has been proved.

4. The Senate will not consider the presence in a Bill of clauses relating to subjects within the legislative authority of the parliament of Canada to be in itself sufficient reason for the enactment of other clauses relating to subjects not within that authority.

Hon. Mr. ROSS (Middlesex)—In rising to resume the debate on the motion of the hon. gentleman from Mille Isles, I hope this House will not assume that I propose, either expressly or by implication, to censure the parliament of Canada, or either branch of it, because of the procedure in the matter of provincial rights, or because of either alleged or assumed encroachments on the jurisdiction of either of the provinces. I am altogether too young a member of this House to assume such a role. I do not know but that I could furnish some excuses—although I do not wish to excuse—the parliament of Canada for the advance, or rather the encroachments which I think it has made in the last few years upon the jurisdiction of the provinces. Those who are promoters of railway legislation, or of legislation in the interest of large corporations, naturally feel that a charter or an Act investing them with certain powers possesses a greater value if it emanates from this parliament than one obtained from the local legislature, and, naturally, as such charters involve the risking of large sums of money, and interests of a somewhat extensive character they would seek that legislation from a body having the larger jurisdiction and larger interest, knowing that on applying to financial corporations for money or for the issue of bonds whereby their schemes could be carried out, the authority of parliament would have greater weight. I think it was a motive like this that, to some extent, influenced the approaches made to this House and the other branch of the parliament of Canada for legislation which many members feel has been rather an encroachment upon the rights of the province. Besides, there has been projected into public opinion recently a feeling of misgiving as to the protection which vested rights receive from provincial legislatures, in fact on many hands we have noticed symptoms of uneasiness that power vested in corporations by provincial legislatures are subject to reconsideration, and that vested rights which have grown up under charters from these legislatures are not regarded as being so safe, nor do they carry the same guarantee they otherwise would. In fact, the movement in favour of municipal ownership, which carried with it rights of expropriation and, in the opinion of some, rights of confiscation, or privileges of confiscation, have created an uneasiness in certain quarters, and those that were in charge of the development of large interests felt that in going to the parliament of Canada they were going where the interests would be more secure, and it may be possible that the parliament of Canada, yielding to the importunities of these people, have gone further in the direction of encroaching upon provincial rights than it otherwise would. Whether that be the reason or not I cannot tell, nor do I present it entirely as an excuse ; yet it impresses me as one of the reasons why so many Bills have been submitted to this House and to the other Chamber, which, practically, involve an encroachment upon provincial rights as I understand them, and that in later days there has been a greater number of such measures submitted than perhaps a decade or a year or two ago. The question that we are about to discuss, which I hope to present to this House very briefly, is a very large question, a question which touches the very core of our federal compact. It is vital to the successful working of confederation. It has been so regarded ever since the British North America Act of 1867, and a brief survey of the history of Canada would show that, perhaps, no other question so disturbed public opinion in all the provinces as any alleged or attempted encroachment by the parliament of Canada on the rights conceded to the provinces by the federal compact. In fact, we began our history

of confederation in a very serious storm of indignation on the part of one or more of the provinces, as to the alleged encroachment on the federal compact, even before it became an Act of the parliament of Great Britain. We can very easily recall the indignation of the province of Nova Scotia because the British North America Act was not referred to the people of Nova Scotia for ratification. The ground put forward was that they were taken in, that they were corralled practically into confederation, and under a new system in regard to which their opinion was not asked and in regard to which the people, as a people, had no word to say one way or the other. There was great indignation in New Brunswick, in 1871, because those who believed in separate schools felt that the privileges theretofore exercised by the provinces were curtailed by the British North America Act. In the province of Manitoba, we had a rebellion in 1869 and 1870 because the rights of the people of Manitoba—the major portion of them being half-breeds, as they were then called—were not respected, as they thought. In the Northwest Territories in 1885 we had an incipient rebellion which cost us I think $9,000,000 of money. In British Columbia there were threats of secession because the terms which were embodied in the Act of union in regard to the construction of the Canadian Pacific Railway were not carried out, subsequently modified by the Carnarvon terms, and there were doubts expressed as to the good faith of the government of the day in regard to the carrying out of these terms. In Quebec, we have had an agitation over the supposed violations of the union compact, notable at when the disallowance of the Jesuits Estate Act was a question before the House of Commons.

Perhaps my own province of Ontario has been the most restless of all the provinces. It may be that they had great reason to complain than any of the others, but, perhaps, of all the provinces it was more restive and put forth a severe struggle to assert its rights, expended more money and submitted to a more prolonged agitation than any of the other provinces on this ground. We had at first what was called the boundary award, when the province of Ontario thought the award agreed to by the arbitrators, appointed in 1877 or 1878, should have been ratified by the House of Commons and was not so ratified. We had it afterwards on the disallowance of the Streams Bill, and we had it in various forms after that, for instance as to the right of the Crown to own the timber and minerals on Crown lands. We had it notably in the case of the McCarthy Act, whereby the Dominion assumed the control and direction of liquor licenses in the provinces. We had it again in 1883, when there was passed in the Dominion parliament an Act under which all railways crossing certain other railways should be declared for the general advantage of Canada and in that way taken out of the provincial jurisdiction; and in the session of 1882, under Sir Oliver Mowat, a series of resolutions was moved declaring the rights of the province in regard to this matter. In order to make it clear, let me refer to those resolutions. I shall read two of three of them:

First, that subject to the power of parliament of Canada to declare any work situate within a province to be for the general advantage of Canada, or for the advantage of two or more of the provinces, the right to incorporate railway companies for local and provincial purposes is, by the British North America Act, vested exclusively in the respective legislatures of the several provinces.

That the provincial legislatures ought not to be deprived of this rightful authority save where it is absolutely necessary for the general advantage of the Dominion or of more than one of its provinces.

That many railway companies have been incorporated by the legislature of this province for the construction and operation of railways of a local and provincial character, and the province and local municipalities have, by money bonuses, largely aided in the building and completion of these railways.

That the best interests of the people of Ontario require and demand that the provincial legislature should not without absolute necessity to be deprived of its authority and control over these railway companies.

That is order to escape from the proper controlling power and supervision of the legislature of this province, and not because of any benefit or advantage which would result to the Dominion or any of the provinces, some of these companies are seeking to have their respective railways declared by the Dominion parliament to be for the general advantage of Canada.

And that this House respectfully, but firmly insist that where a company whose railway has been constructed under a provincial charter seeks to escape provincial control by procuring its railway to be declared to be for any such general advantage as aforesaid, the company ought to be compelled to first procure from the provincial legislature by which it was incorporated as assent to its railway being so declared, or at least to show that such as-

sent was applied for, and if, refused, had been so refused on improper or insufficient grounds.

These resolutions traverse the whole point of the control of the parliament of Canada over provincial railways. It was passed unanimously by the House in 1882, when it was first mooted that the parliament of Canada proposed taking control of these railways. In 1903, resolutions in somewhat similar terms were passed by the legislature of Ontario, during my own term of office, and similar ground was taken. In fact we went a little further than we did in 1882 :

That this House protests against the tendency of late years on the part of the Dominion parliament in the matter of legislation whereby companies are being incorporated by special Acts though such companies have purely provincial objects and come within the purview of subsections 11 and 16 of section 92 of the British North America Act.

That the expedient which it has become customary to adopt or inserting in Bills the mere assertion 'that the works of the company being incorporated are declared to be for the general advantage of Canada' afford no reasonable protection against encroachment upon provincial jurisdiction, the Bills, being entertained and passed apparently in ordinary routine and without reference to any serious consideration of the question of jurisdiction.

That there is involved in this growing tendency towards encroachment on the provincial field of legislation, an invasion of the rights of municipalities, which this House regards as of serious importance.

That the provincial laws relating to electric railways have been designed to safeguard in many respects the rights and interests of the municipalities through which these railways run, or, are chartered to be constructed, and the protection to municipalities thus afforded will be prejudicially effected, if not entirely removed by the assumption and exercise of the right to legislate regarding these local railways on the part of the Dominion parliament.

This House, therefore, respectfully urges the Dominion parliament not to pass legislation of this nature pertaining to matters heretofore generally understood to be within provincial jurisdiction, and which, in their nature, are matters of purely local concern.

Hon. Mr. DAVID—Will the hon. gentleman tell me when those resolutions were passed ?

Hon. Mr. ROSS—That resolution was passed by the House in 1903, unanimously, and forwarded to the Speaker of the House of Commons in the usual routine, and was subsequently courteously replied to. I need not say any more to place before this House the attitude of at least the province of Ontario. In fact, we would be false to the whole principle of confederation, not only in the province of Ontario, but throughout the Dominion, if we allowed the fundamental principle on which confederation was founded to be violated wantonly, unnecessarily, and unconstitutionally, as I think it has been sometimes done. Perhaps I should not say wantonly, but constitutionally I think it has at least sometimes been done, and if in any way we could fortify the provincial legislatures in their rights in this regard by safeguarding provincial legislation such as I have indicated from passing either House of parliament, we would be contributing to the security of the federal compact under which the parliament of Canada exists, and without due respect to which, so far as the provinces are concerned, there cannot be that constitutional peace and well-being which we desire. That there is unanimity on this point need not further be discussed. In fact, it was laid down at the time confederation was discussed as the particular duty of the Senate to safeguard provincial rights. Here is a short quotation from Sir John Macdonald's speech which will be found in the confederation debates (page 38) :

To the Upper House is to be confided the protection of sectional interests, therefore is it that the three great divisions are there equally represented, for the purpose of defending such interests against the combination of majorities in the assembly.

That was the watch word of confederation. Afterwards Sir Alexander Campbell, referring to the constitution of the Senate, said :

The main reason was to give each of the provinces adequate security for the protection of its local interests. A protection which it was feared might not be found in a House where the representation was based upon numbers only as would be the case in the general assembly.

It would seem that this House was invested with a special prerogative ; that, perhaps, one of the crowning glories of the Senate was that it would stand guard upon the whole federal compact from the Atlantic to the Pacific as it is now; although its boundaries were more limited at that time, and if this House should fail in fulfilling the conditions, or should fail in the functions designed for it by the fathers of Confederation then the failure would be very much to the discredit of those who had succeeded to the constitution then provided for us. So that if we have regard to the tradi-

tions of the constitution, or to its fundamental principles, we shall see that the line laid down for us by those who drew it in 1867 is faithfully followed by us. Nor need I dwell here upon the absolute integrity of the constitutions or of the rights of the provinces under the British North America Act. There are those who say that the provinces are subordinate to the Dominion. That is not true as a constitutional principle. We derive our power from the same source as the Dominion government. It was an Act of the imperial parliament bearing the sign manual of Her Majesty, passed with all the solemnity with which Acts of the Commons and Lords temporal and spiritual are passed in the great mother of parliaments, and the parliament of Canada is no stronger constitutionally within its sphere than are the legislatures of the provinces. The local legislatures are not subordinate by any means. They derive their authority not from the Dominion but from the parliament of Great Britain, and, in that respect, their authority has as honourable an origin as the authority of the parliament of Canada itself. Here is what the Judicial Committee of the Privy Council said on that very point in the case of 'The Queen vs. Hodge :'

When the British North America Act enacted that there should be a legislature for Ontario, and that its legislative assembly should have exclusive authority to make laws for the province, and for provincial purposes in relation to the matters enumerated in section 92 (of the Act), it conferred powers not in any sense to be exercised by delegation from or as agents of the imperial parliament, but authority as plenary and as ample—within the limits prescribed by section 92—as the imperial parliament in the plenitude of its power possessed and could bestow. Within these limits of subjects and area the local legislature is supreme, and it has the same authority as the imperial parliament, or the parliament of the Dominion would have had, under like circumstances to confide to a municipal institution, or a body of its own creation, authority to make by-laws or resolutions as the subjects specified in the enactment into operation and effect.

Now, if it be true what the Privy Council has said, that the authority of the local legislature is supreme and that it has the same power as the imperial parliament what power has either branch of the parliament of Canada to encroach upon that right? We are encroaching upon that which is, within its own sphere, as full in the plenitude of its power as the parliament of Great Britain ; and any encroachment on those rights of the province would be as serious an offence in the words of the imperial Privy Council, as encroachments on the rights of the imperial parliament itself. So that the exalted position which the provincial legislatures hold is another reason, apart from the constitutional confusion which would arise, why the parliament of Canada should respect that position in the same way and in the same sacred regard of its rights as the Privy Council has set forth in the quotation I have just made. But, apart from that, we have on this side of the water a very strong authority to sustain the view I have set forth. Bourinot, in his short history of the constitution of Canada, in the edition of 1901, page 138, refers very concisely and clearly to the functions of the provincial legislatures. He says :

The exercise of legislative power by the parliament of Canada in regard to all matters not enumerated in section 92, ought to be strictly confined to such matters as are unquestionably of Canadian interest and importance, and ought not to trench upon provincial legislation with respect to any of the classes of subjects enumerated in section 92. To attach any other construction to the general power which, in supplement of its enumerated power, is conferred upon the parliament of Canada by section 91, would not only be contrary to the intention of the Act, but would practically destroy the autonomy of the provinces.

That is a very strong expression : 'Would practically destroy the autonomy of the provinces,' and if I might be permitted to interpolate between those admirable sentences of Bourinot a word of my own, I would say if there is one offence more serious than another, which the parliament of Canada could commit, than to destroy the autonomy of the provinces, then I would like to know what it is ? He continues :

If we only conceded that the parliament of Canada has authority to make laws applicable to the whole Dominion in relation to matters which in each province are substantially of local or private interest, upon the assumption that these matters also concern the peace, order and good government of the Dominion, there is hardly a subject enumerated in section 92 upon which it might not legislate, to the exclusion of the provincial legislatures. No doubt some matters in their origin local and provincial might attain such dimensions as to affect the body politic of the Dominion and to justify the Canadian parliament in passing laws for their regulation or abolition in the interests of the Dominion. But great caution must be observed in distinguishing between that which is local and provincial, and, therefore within the jurisdiction of the provincial

legislatures, and that which has ceased to be merely local or provincial and has become matter of national concern in such sense as to bring it within the jurisdiction of the parliament of Canada.

Here we have from a very high constitutional authority a word of warning as to two things: first, the destruction of the autonomy of the federal compact, and secondly an encroachment upon the jurisdiction of the provinces, which would practically absorb, as he says it is quite possible—and that must be apparent to everybody—all the powers of the local legislatures on the ground, on the simple declaration, that they are for the advantage of Canada. I am sure that the fathers of confederation never intended, when they inserted that free and easy expression, or that generic, expression 'for the advantage of Canada,' in the British North America Act, that it should be used to encroach one iota upon the specific powers enumerated in section 92, conferred upon the various local legislatures. So there you have an additional confirmation of my contention, that to encroach upon the jurisdiction of the province is a very serious matter. I may say that provision is further fortified, if I took time to investigate the matter fully, by the principles laid down in the disallowance of provincial Acts. They are precisely the principles that should guide this House in enacting legislation which might encroach on provincial rights. Sir John Macdonald, as far back as 1868, in the volume of orders in council, stating the grounds on which he proposed to consider the disallowance of provincial legislation then submitted to council, laid down the following:

In deciding whether an Act of a provincial legislature should be disallowed the government must not only consider whether it affects the interests of the whole Dominion or not, but also whether it be unconstitutional, whether it exceeds the jurisdiction conferred on local legislatures, and in cases where the jurisdiction is concerned, whether it clashes with the legislation of the general parliament.

Now, if Sir John Macdonald was a court of review for Dominion legislation, and if you read into this statement his position as a court of review, he would simply say, in deciding whether an Act of parliament should be disallowed, the imperial government must not only consider whether it is in the interest of the whole Dominion or not, but, also, whether it be constitutional, and whether it exceeds the jurisdiction conferred on the local legislatures. But we are, fortunately, in the somewhat sovereign position that our legislation is not open to similar review. If the legislation of the parliament of Canada were submitted to some officer of the Crown, with the right which the Minister of Justice has of considering the legislation of the provinces, I do not know but sometimes Bills we pass here with all the solemnity of the parliament of Canada might fare somewhat badly. In fact, I am of the opinion that if the question could be brought before the Privy Council—I am not giving that opinion as if it were of any great importance—if some of our legislation were brought before the law officers of the Crown, and examined on the principle laid down by Sir John Macdonald, a good deal of it might be disallowed; and I am further of the opinion that if the question of law were raised on some of those Bills where the jurisdiction of the parliament of Canada has extended beyond what I believe is its proper field, before the Judicial Committee of the Privy Council, a good deal of that legislation would be declared ultra vires. The constitution must be considered as a whole. The provinces have certain rights. In regard to railways and canals extending through two or more provinces, or extending from one province to another, these works are evidently within the jurisdiction of the Dominion of Canada, but unless they fulfil that condition, I do not believe myself that any declaration of the parliament of Canada will of itself bring them within the jurisdiction of Canada. It cannot be that our constitution is based upon an ipse dixit; it cannot be that the declaration of a law makes that law which is not law, and which the constitution, by its various clauses, declares to be something else than what the parliament of Canada declares it to be. I think it would be within the power of the Supreme Court—in fact any court—to declare any law of the parliament of Canada unconstitutional, but it would be evidently within the jurisdiction of the Supreme Court to declare any part of that legislation ultra vires which cannot be shown to come within that clause of the Act which says that public works must lie within two or more provinces to

be strictly within the jurisdiction of the Dominion of Canada. That was Sir John Macdonald's view of the constitutionality of the provincial legislation. When the Act uniting the provinces was before the imperial parliament, in 1867, Lord Carnarvon laid down this principle as to the constitution of Canada. He said :

> The constitution of Canada does not contemplate any interference with provincial legislation.

Any interference. Here is the distinguished nobleman who had the privilege of expounding that constitution when it was first referred to the parliament of Canada, declaring that the constitution did not contemplate any interference with provincial legislation. So we were told, and we accepted that constitution in good faith. We were told that there would be no interference with provincial legislation within the competence of the local legislature by the Dominion parliament, or, as a consequence, by the Dominion government. When we accepted confederation, we were told that that compact did not contemplate any interference with provincial legislation or subject within the jurisdiction of the local legislatures, and yet, if I am not astray in my analysis of some legislation of the parliament of Canada within the last two years, I fear very much that this fundamental principle, laid down by Lord Carnarvon at the inception of our constitution has been interfered with. I will trouble the House with one other quotation from Mr. Mills, in the discussion of the Jesuits' Estate Bill in 1889. He says :

> The assumption in our constitution is, that authority is vested in those who are most competent to exercise it. It is upon that ground that the union is established ; but it is also assumed in the reservations of certain powers to the local legislature that they are the most competent to discharge the duties connected with these powers. If they are the most competent upon what ground can we interfere? What right would we have to interfere ? Why the very ground upon which interference is asked in this case, would if it had been put forward when the constitution was framed, have been sufficient to have kept Quebec out of the union? Are you going to entrap them with a union by a form of a constitution which seemingly gives them exclusive control over certain subjects, and then after they have become members of the union exercise a meddlesome control over their domestic affairs.

I think that an admirable exposition of what the constitution was intended to bestow.

That brings me down to the next point which I wish to bring before the House, and that is the inception, shall I say, of this violation of the constitutional Act—the inception of it on a large scale. That was by the Railway Act of 1883. Now, do not let it be supposed that that Act was an intentional violation of the constitution. I do not think it was so intended, but I think, as it has been construed, it has led to violations which were easy ; that it has paved the way for legislation, for encroachment, which came very easy in later years. Let us see what that Act proposed. By the Act of 1883, the great railway arteries of Canada, such as the Grand Trunk, the Great Western, the North Shore, the Northern Railway, the Canada Southern Railway, the Canadian Pacific, and so on, were declared to be for the general advantage of Canada. There is no doubt that that declaration, so far as these roads are concerned, is a wise one. It is quite evident, to my mind, that we could not manage our railway system adequately except from one centre, and if the Board of Railway Commissioners is going to be effective, it can only be effective by having the full sweep and control over all railways. In fact, I would be prepared to consider seriously an argument whereby it was attempted to be shown that even branch lines connected with the same artery should be under the same control. I think that can be fairly argued. I think it is actually an impossibility, in the administration of our railway system, to sever branch lines from the main arteries ; and if branch lines are to be associated with the main arteries, then I think it would almost follow, ex necessitate, that railways that were not part of the main system that were crossing these main arteries should also come under similar control for the purpose of organization and the distribution of freight, &c. But this was a very sweeping Bill, and it declared that these railways were to be under the exclusive jurisdiction of the parliament of Canada by the Act of 1883. The Railway Acts of Canada were subsequently consolidated in 1888, and the clause of 1883, though changed in form, was practically re-enacted with this subsection:

> Every such railway and branch line shall hereafter be subject to the legislative authority of the parliament of Canada.

This Act of 1883, as amended or enlarged in 1888, practically brought our whole railway system under the authority of the parliament of Canada, branch lines and all their connections, because all roads crossing the main lines were, by that Act, declared to be for the general advantage of Canada. There came a sudden change over the minds of the legislature subsequent to 1888. In 1900, for instance, it was declared that the mere crossing of a railway by a street railway would not bring it necessarily within the jurisdiction of the parliament of Canada. The clause reads as follows :

> The Railway Act, chapter 29 of the Statutes of 1888 is amended by inserting after section 6 the following section :
>
> 6a. Street railways and tramways, while hereby expressly declared to be subject to such of the provisions of this Act as are referred to in section 4, shall not by reason only of the fact of crossing or connecting with one or other of the lines of railway mentioned in section 306 be taken or considered to be worked for the general advantage of Canada nor to be subject to any other provisions of this Act.

That is to say, that street railways and tramways were, to a certain extent, relieved from the sweeping circle of the Act of 1888. Then in 1904 still further concessions were made to the provinces. For instance, it was held by the Act of 1904 that so far as Sunday legislation was concerned, and various other matters to which I will refer presently, that these were not removed from provincial jurisdiction simply because they were brought by a general Act or declared by a general Act to be for the general advantage of Canada. You will see this in clause 9, subsection 2, of the Consolidated Railway Act. Then it was also provided there that railways owned by the provinces were not brought under the General Railway Act except as to through traffic. Then it was also declared that telephones, although placed under the Railway Board, should still be subject to certain municipal control, &c. So that by the subsequent amendment of the Railway Act the high ground taken in 1883 and 1888 was to a certain extent abandoned, and concessions were made towards provincial rights, which, as far as they went, I think, were worthy of approval. But we meet with a difficulty. Although by the Acts of 1888 and 1906 the jurisdiction over crossing railways was to the mere act of crossing or to the physical connection and to through traffic, and to criminal matters and to connection with navigable waters, yet by section 6 of the same Act it was declared—and here is a very important subsection :

> Where any railway the construction or operation of which is authorized by a special Act passed by the legislature of any province, is declared by any Act of the parliament of Canada to be a work for the general advantage of Canada, this Act should apply to such railway and to the company constructing or operating the same to the exclusion of such of the provisions of the said special Act as are inconsistent with this Act, and in lieu of any general railway Act of the province.

That is to say, where the province passes a railway Act or passes any special Act incorporating a railway, any clause in the Railway Act of the province or any clause of the special Act of the province, inconsistent with the Railway Act is null and void. Now this is a tremendous exercise of power. If the parliament of Canada exercised control simply over the physical connection of railways crossing each other, or over through freight, or over criminal matters, or over their extension to navigable waters, we might say, ' well and good, if it is necessary for the efficient working of the railway system,' but when they extend their power far beyond that, and when they declare that any Act of the provincial legislature inconsistent with the Dominion Act is null and void, then I feel that they have gone further than is necessary. Let me give you an instance or two. For instance, in the Railway Act passed in 1906, in the province of Ontario, provision is made to fix the rates on sleeping cars. That is a provision inconsistent with the Railway Act of this parliament as far as I understand it. There is no power taken yet, or if it has been taken it has not been exercised, to fix the rate on sleeping cars.

The Board of Railway Commissioners does fix the rate as to passengers, and have recently revised it, I believe, declaring a three-cent rate for Canada. Then the legislature of Ontario has declared a two-cent fare to be the regular fare on radial railways. The Railway Act governs the radial railways, I believe. The terms of the Act are very ambiguous, but I thought that they covered the radial railways and tramways. I do not know exactly what a tram-

way is, unless it be an extension of a street railway. If that be under the jurisdiction of the province, it would be computed at a two-cent rate. Then the provincial legislature has declared that the franchise of a railway should be 25 years. There is no limit to the franchise of a radial railway for the Dominion of Canada. The Railway Act provides for the examination of motormen and that railway employees shall have a lien for wages on the railway property. It defines the hours of work; that no motormen or conductors shall work more than sixteen hours without six hours of rest, and then the Crown may use the right of way for certain purposes. I have not exhausted the differences between the two Acts by any means, but I have shown that in certain important matters, the provinces proposed or declared that it is right to exercise jurisdiction in the province, inconsistent on many points with the jurisdiction exercised by the Dominion Board of Railway Commissioners. Now, why should that be declared to be ultra vires by the Dominion Act? It is inconsistent. It is certainly ultra vires, if I understand the significance of the term. And therefore the Dominion parliament in extending the authority over provincial railways has infringed, as I believe very seriously, upon provincial jurisdiction in matters of that kind. I can see difficulties arising too. For instance, will there be a clash of authority between the Dominion Railway Board and the Provincial Railway Board? There is the danger. If so, then the courts must settle as between them, and perhaps it is only in that way that the relative jurisdiction of the parliament of Canada and the legislatures of the provinces can be ascertained. Then other questions arise. Do we dismiss for all time to come, or do we exercise or must we exercise for all time to come the control over provincial railways? The Dominion parliament has declared these railways to be for the general advantage of Canada. Can we recall that, whether it is right or wrong? I think if any one reads the Interpretation Act, he will see it cannot be recalled. There may be retroactive legislation, but retroactive legislation, by the Interpretation Act, has only a certain sphere of influence. Then the provinces are permanently deprived of that right, and then there are certain railways, amalgamated railways, that are partly under the provincial and partly under the Dominion government. What is their standing? Who is to determine between them? Then there is the question I raised before: does a simple declaration by the parliament of Canada oust the jurisdiction of the province? These are questions that will arise in connection with the consideration of the proposition which the hon. gentleman from Mille Isles has so ably brought before us, and which the parliament of Canada, and this House particularly, should face at the earliest possible moment. For that reason, I am in entire sympathy, shall I say, with the resolution proposed by the hon. gentleman from Mille Isles. Just let us see what his motion says. The first paragraph reads:

1. The Senate will insist upon the application of section 92 of the British North America Act, 1867, in accordance with the spirit and true intent of that section, to the end that the exclusive powers of the legislatures of the provinces of Canada may be protected and preserved.

That is what we are here for, as I understand it, to insist upon the meaning of section 92, its true spirit, intent and meaning. The second paragraph of the hon. gentleman's motion reads as follows:

2. The Senate will not consider the mere insertion in a Bill of a declaration that a work is for the general advantage of Canada to be in itself sufficient foundation for the exercise of the legislative authority of the parliament of Canada.

There are various ways, I fear, of introducing into Bills certain clauses whereby, on the face of them, they appear to be for the advantage of Canada, and yet it is merely for the purpose of getting legislation here, although the true purpose and spirit of the Bill could be served quite as well without any such clause. The third paragraph states:

The Senate will not pass any Bill containing a declaration that a local work or undertaking is for the general advantage of Canada or for the advantage of two or more of the provinces, unless the truth of that declaration has been proved.

I think we all owe it to ourselves that we should see that the truth of such declaration were proven. Then the fourth paragraph is as follows:

The Senate will not consider the presence in a Bill of clauses relating to subjects within the legislative authority of the parliament of Canada to be in itself sufficient reason for the enactment of other clauses relating to subjects not within that authority.

These resolutions may be amended or modified as they are passed in the House. That is a matter of no concern for the present. The main concern is that the spirit of those resolutions should be followed. I do not think this House should be placed in a position of being a sort of a court of appeal from the other House in regard to matters of this kind. We should not be required to set up a sort of abbatoir here, where we would slaughter Bills coming from the lower House because they contain provisions violating the jurisdiction of the province. It is the duty of the whole of the parliament of Canada, as much the duty of one Chamber as of the other, to see that the rights of the provinces are maintained. While in a certain sense a greater responsibility may rest upon this Chamber, I do not for one moment wish to be understood as saying that no responsibility rests upon the other Chamber. In fact it is barely possible that sometimes clauses are inserted in Bills and they go through certain stages in the other Chamber, in the hope that they may not go any further when they reach this House. There should be no such motive in introducing any Bill into any Chamber. But whatever may be the motive of introducing any Bill here or there, we, as the custodians of provincial rights, we who are set up on the watch tower by the terms of the Federal Act, should see that the rights of the provinces are guarded, and that in no narrow spirit. If it can be shown that a Bill which may appear to be a provincial Bill, has a wider sweep than the province, and embraces in it matters of Dominion concern, I am sure this House will rise to the importance of the occasion, and not wait for some metaphysical or casuistic consideration of the British North America Act, but will give its imprimatur to every measure, if it considers that it is necessary that it should be declared to be an Act for the general advantage of Canada; and, on the other hand, when it is apparent that a Bill has no such significance and is not necessary for any such purpose, this House ought to be sufficiently responsive to the constitution under which it is organized to see that provincial rights are not encroached upon. For these reasons, I have very great pleasure in seconding the motion of the hon. gentleman from Mille Isles.

Hon. Mr. FERGUSON—I thought it is rather extraordinary that so important a resolution as this should be passed without any expression of opinion on the part of the government. The affirmation of a principle in this resolution is very important, and affects the legislation of both branches of parliament on the policy of the government. I think therefore, we should hear from the government as to whether they are fully committed to this resolution, or whether they are not.

Hon. Sir RICHARD CARTWRIGHT—I cannot agree with the hon. gentleman. If he wishes to debate this resolution, it is quite within his power to do so.

Hon. Sir MACKENZIE BOWELL—We know what the constitution is, and we had better adhere to it.

Hon. Mr. POWER—As I understand it, this is not a declaration which is supposed to come from the government. This is a declaration of the policy of this House, the Senate, not as representing one side of politics or the other.

Hon. Mr. POIRIER—If this motion is carried, shall we be bound by it?

Hon. Mr. LANDRY—By common sense.

Hon. Mr. POIRIER—Therefore it is that I for one also would like to know what the government has to say about it.

Hon. Mr. SULLIVAN—I think the leaders of this House ought to express their opinion.

Hon. Mr. McMULLEN—I think the principle laid down by the hon. gentleman from Halifax is the correct one. We are simply expressing the views of this Chamber with regard to the whole question of our relations with the other provinces, and it is not a matter upon which the government are called to express an opinion. We are dealing with a question that comes properly within the purview of this Chamber, and we are dealing with it in such a way as to express clearly and distinctly

our opinion upon an exceedingly important question.

Hon. Mr. FERGUSON—I entirely dissent from the view expressed by the hon. gentleman from Halifax. I did not expect the point to be raised, but the highest authorities on parliamentary practice and government lay down the rule that the government is responsible for everything that passes through parliament. It is extraordinary that the government should fail to announce a policy on so important a question. If the motion passes, and the government is silent, it is assumed that they adopted its principle.

The House divided on the motion, which was carried on the following division :

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## YUKON PLACER MINING ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committe of the Whole on Bill (135) An Act to amend the Yukon Placer Mining Act.

(In the Committee.)

Hon. Mr. LOUGHEED—I understand the object of the government is to seek power to grant leases of the whole bed of the river in the territory of the Yukon. Has my hon. friend or the government in view the granting of leases of the entirety of the river bed to any particular individuals or companies ?

Hon. Sir RICHARD CARTWRIGHT—No, I do not understand that that is the object ; but I think that the question was raised as to whether the government had the right to make regulations governing dredging leases at all, and that this simply makes it clear that the government have the power to issue regulations governing leases.

Hon. Mr. LOUGHEED—This is an amendment to the Interpretation Act. It seems a rather peculiar place to insert an amendment of this nature.

Hon. Sir RICHARD CARTWRIGHT—Apparently it has appeared to the Department of Justice that there was some question, under that particular clause, as to whether they could make regulations or not, and this is intended to remove the doubt.

Hon. Mr. LOUGHEED—What is the policy of the government with reference to the granting of those leases ? Is it intended to lease very large areas of river beds, or to foster mining on a much smaller scale than prevails at present ? We are all familiar with the reports in the press, that the Guggenheims, of New York, who are known to be large monopolists, have acquired extensive areas for placer mining in the Yukon Territory. An amendment of this kind looks very much to me like a declaration of policy on the part of the government to lease the entire beds of rivers and streams in that country. If that is the policy entertained by the government, I think it is objectionable in the extreme.

Hon. Sir RICHARD CARTWRIGHT—As I understand the matter, the intention of the government is, in the first place, to sub-divide the river beds into sections of somewhat considerable extent, but still into sections ; but they reserve to themselves the power, in certain cases, where it is made apparent to them that it would be desirable and important to do it, of granting several

leases to one individual. That I understand to be their policy.

The clause was adopted.

On clause 2 :

2. Section 36 of the said Act is amended by adding thereto the following subsection :
2. No claim shall be relocated within ten days of its being so abandoned.

Hon. Sir RICHARD CARTWRIGHT—This is intended to meet a certain difficulty which hon. gentleman will probably understand readily enough. Under the section which it is proposed to amend, a person holding a claim might abandon it by giving certain notice, and the special reason for recommending this change is stated to be that, under this Act, entry for a claim is granted for say one year, but within that period the party is bound to expend $200 on mining operations. It has been found, in some cases, that the holder of a claim has made no expenditure whatever during the year : he gives it up just prior to the termination of the year and before any one knows what he has done he re-locates it. This is intended to prevent that abuse.

Hon. Mr. LOUGHEED—Under the law as it stands, he is precluded from re-locating that claim at any time.

Hon. Sir RICHARD CARTWRIGHT—I am not advised to that effect. The department think that if ten days are allowed to elapse between the date on which the abandonment is recorded in the office of the mining recorder, and the date of its being again recorded, the fact of its being abandoned would become known to other parties, and the public would have an equal chance.

Hon. Mr. POWER—Section 36 of the Act says expressly : 'And thereafter he shall not personally, or through any other person, re-locate the said claim.' You cannot have stronger language than that, so I do not see the exact point of this amendment.

Hon. Sir RICHARD CARTWRIGHT—The department appears to think that they get it re-located in point of fact.

Hon. Mr. POWER—It must be that relocation does not mean necessarily location by the same party, but a second location by some one else, and I can understand that the object of having ten days' notice is that a man who is waiting behind the office door to re-locate the claim as soon as it is abandoned shall not have that advantage.

Hon. Sir RICHARD CARTWRIGHT—That is their intention.

Hon. Mr. LOUGHEED—It evidently ties up the claim for ten days after it has been abandoned. The law is, and will continue to be, that the person abandoning the claim shall not have the right to re-locate. The abuse that this amendment would be subject to, is the possibility of permitting a mining recorder to assist friends in taking up abandoned claims while the public would not be aware of the fact that they were abandoned. Under this amendment, the claim would remain practically in the office of the mining recorder for ten days without the public knowing anything about it, and, in the meantime, the recorder may communicate to his friends the fact that a certain claim has been abandoned, and that it is open for re-location on a certain day.

Hon. Sir RICHARD CARTWRIGHT—I should think that anybody is permitted under the law to go to the office of the mining recorder and see what has been done at any time—is not that so ?

Hon. Mr. LOUGHEED—Yes, that would be the case ; but I suppose the public would not intuitively know that a man is about to abandon his claim. It seems to me public notice should be posted in the mining recorder's office in sufficient time to give the public notice that certain claims have been abandoned. In that way you give the information to the public.

Hon. Sir RICHARD CARTWRIGHT—Would that be sufficiently advertising it ?

Hon. Mr. LOUGHEED—I think the notice posted in the office of the mining recorder, that such claims are subject to re-location on certain dates, would be sufficient.

Hon. Mr. POWER—As I understand it, the hon. leader of the opposition does not object to this clause which is under consideration, because it must be felt that there

is very much less chance for the friends of the party who abandons the claim to get hold of it, if it be vacant for ten days; but, as I understand the hon. gentleman, he thinks that in addition to these claims being held vacant for ten days, there should be notice to the public that these areas are vacant. I think the suggestion is a good one, and if we do not amend the Bill by adopting it, the regulations which I suppose the Minister of the Interior has power to make, should contain a provision of that kind.

Hon. Sir RICHARD CARTWRIGHT—What does my hon. friend suggest ?

Hon. Mr. LOUGHEED—I am not prepared to say the extent to which the notice should go, but notice should be given to the public immediately any of those claims are abandoned. Otherwise the mining recorder is the sole repository of the information that the claims have been abandoned.

Hon. Sir RICHARD CARTWRIGHT—I understand the hon. gentleman's point, and and I would ask him to put his views in writing and give notice that on the third reading he will move that certain words be added. In the meantime, I can submit the matter to the Minister of the Interior. I am not sufficiently familiar with the details of these mining claims to know how far it is practicable to carry out the hon. gentleman's idea, or what possible difficulties might arise. The object is clear enough, to allow ten days to elapse during which no claim can be re-located.

Hon. Mr. LOUGHEED—The object is right enough. I move the following amendment :

Due notice of which shall be posted in the office of the mining recorder and upon the claim during the ten days which elapse between the abandonment and re-location.

Hon. Sir RICHARD CARTWRIGHT—Are these claims within a reasonable distance of the mining recorder's office generally, or are they a long distance away ?

Hon. Mr. LOUGHEED—I could not speak of that with accuracy. The policy of the government has been to locate a mining recorder within a reasonable distance of claims. I apprehend, in a case of that kind, the mining recorder would not permit the re-location within ten days, but the Act does not make it obligatory that the re-location shall be in ten days. It may be longer.

Hon. Sir RICHARD CARTWRIGHT—I accept the amendment conditionally, reserving the right to subsequently change it if the Department of the Interior see difficulties in the way of carrying it out.

Hon. Mr. POWER—How would it be to add these words :

And only after notice of such abandonment has been posted up for at least a week in the office of the mining recorder.

Hon. Mr. LOUGHEED—I accept the change.

The amendment as changed was agreed to, and the clause as amended was adopted.

On clause 3 :

3. Paragraph (b) of section 90 of the said Act is amended by inserting in the fifth line thereof, after the words 'ninety-eight,' the words 'or of any regulations now or hereafter passed in amendment of such regulations.'

Hon. Mr. LOUGHEED—Can my right hon. friend say whether this will affect any vested rights in that territory ? It will be observed that section 90 protects certain rights, and the passage of this amendment might very seriously affect other rights.

Hon. Sir RICHARD CARTWRIGHT—The intention seems to be fair and proper enough.

Hon. Mr. LOUGHEED—The statute defines what rights may be acquired. It protects rights acquired up to 18th of January, 1898. The intention of the amendment is to enlarge the protection of those rights, and to practically take from the public rights which, upon the passage of this Act, they then enjoyed as against the private individuals referred to in clauses a, b and c.

Hon. Sir RICHARD CARTWRIGHT—I would hardly put that construction on it. What it intends to do is to protect parties who have acquired rights under subsequent regulations. Should they not be protected ?

Hon. Mr. LOUGHEED—As the rights to be acquired were limited by the legislation of 1906, how could other rights be acquired in anticipation of the government enlarging the scope of those rights during the present session ? Have rights been acquired in

anticipation of the passage of this legislation ?

Hon. Sir RICHARD CARTWRIGHT—I do not think that was the intention.

Hon. Mr. LOUGHEED—That would be the effect of it.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman will observe that this was nearly nine years ago, and a good many new regulations have been passed since that date under which parties acquired rights. What is now proposed is to validate their title to the property that they have acquired under subsequent regulations to those of the 18th of January, 1898. I hardly think the public at large would be damaged thereby.

Hon. Mr. LOUGHEED—My hon. friend will see the peculiar rights in view were rights which were taken or will be taken out of this Act. That is, they must be rights of an exceptional character, rights to which the Act of last session would not extend, and this amendment would enlarge those exceptional rigths.

Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend think that this amendment would have a retroactive effect ? I hardly consider so.

Hon. Mr. LOUGHEED—That would be the effect of it. You say any regulations now or hereafter passed in amendment of such regulations.

Hon. Sir RICHARD CARTWRIGHT—Would not that, under the general construction of our statutes, apply simply to cases occurring after this became law ?

Hon. Mr. LOUGHEED—It might enlarge the particular right which was acquired under the order in council of 1898. That is to say, if a right were acquired by the order in council of 1898, and since that time regulations in council have been passed, it would enlarge those rights as may have been provided by the regulations in council which have since been passed.

Hon. Sir RICHARD CARTWRIGHT—That it would enlarge those rights is undoubtedly clear, but would it enlarge them except after the passage of this Act ? I should rather think that any party who had come in and acquired a vested right in the interval would not be affected by the passage of this Act ; but any parties who, after its passage, came in would be affected.

Hon. Mr. LOUGHEED—My reading of it would be this ; that if they acquired a right under the order in council of 1898, then no matter what rights they have acquired since that time, if there be an order in council passed since, they would enjoy those rights in entirety, even though it be to the exclusion of the restrictions which are embodied in the general legislation. It seems to me that this measure is being passed in pursuance of something which has occurred. The question is, should not the committee know what is in contemplation by reason of the enlargement of this particular section ?

Hon. Sir RICHARD CARTWRIGHT—There may be cases which are not known to me in detail, but as I am advised the intention is simply as there had been a good many regulations made since that particular date, that whatever validity was given to rights acquired previously should be now given, but only, as I understand it, from this date.

Hon. Mr. LOUGHEED—No, it would not be from this date ; it would be regulations already in existence. However, my hon. friend may get further information on the object of this amendment.

Hon. Sir RICHARD CARTWRIGHT—Certainly I will. If the hon. gentleman is clear as to the point, I will consult the Minister of Justice about it. How would it meet his views to insert some words providing that nothing in this clause should affect any litigation or claims accruing prior to the passing of this Act ? That I think would completely avert the danger he fears.

Hon. Mr. LOUGHEED—If there be some restrictive clauses to prevent a conflict of rights which may have occurred in the interval, that in my judgment would be desirable. My right hon. friend will observe that it deals with a particular class of mining rights which are, by reason of the order in council of 1898 and the subsequent amendments, taken entirely out of the general legislation; that is to say, we are dealing with a class of rights excluded by

this Act and dealt with by orders in council.

Hon. Sir RICHARD CARTWRIGHT—I understand that, and I understand also this: Mining rights are sometimes of a complicated character, and there is considerable difficulty in dealing with them at the immense distances we are from the scene of action, so that I will consult the Minister of Justice on this point. We might reserve this clause until I have had time to get the desired information.

Hon. Mr. POWER—I cannot realize the danger which the hon. leader of the opposition seems to feel with respect to this clause. The section reads as follows :

No person shall be granted or acquire a claim or any right therein, or carry on placer mining in the territory except in accordance with the provisions of this Act.

Now, if that were made absolute, the rights of persons who have been acting under the old law and under the regulations made in accordance with the old law, might be prejudiced and then the clauses comes in order to protect those persons :

Provided that this section shall not affect any rights which

(a) Have already been acquired under the regulations for the disposal of mining locations in the territory to be worked by the hydraulic or other mining process approved by order in council the 3rd of December, 1898, and amendments thereto.

The Bill proposes to say ' Or of any regulations now or hereafter passed in amendment of such regulations.' I do not see how any injustice can be done to any one under that clause, and I think it is a very necessary thing.

Hon. Sir RICHARD CARTWRIGHT—I call the attention of the leader of the opposition to a fact which he might not have noticed, that this paragraph (b) refers solely and exclusively to leases to dredge for minerals in the beds of the rivers.

Hon. Mr. LOUGHEED—Of course that is a very large and important right.

Hon. Sir RICHARD CARTWRIGHT—It is a very large and important right, but it is not one of those rights in which I think there would be anything like the same danger of dispute or difficulty as would occur in ordinary placer claims.

Hon. Mr. LOUGHEED—Not numerically, but this class of claims was, and I fancy is yet, looked upon as one of the most important classes of claims in the Yukon, and I think that probably operations there will be conducted more under this class of claims in future than any other from what I can learn. Of course it may involve the question of riparian rights. Dredging leases must necesarily involve questions of that kind. In fact very many important and complex questions may be raised.

Hon. Sir RICHARD CARTWRIGHT—I have no objection to confer with the Department of Justice about it. In the meantime we can let the clause stand.

The clause was allowed to stand.

On clause 4,

4. The validity of the right of any owner of any placer mining claim in the Yukon Territory shall not be affected by reason of the neglect of such owner, or the neglect of any company or person through whom such owner claims title to such placer mining claim, to renew, between the thirtieth day of June, one thousand nine hundred and six, and the first day of August following, the date upon which the Yukon Placer Mining Act came into force, the free miner's certificate held by such owner, company or person under the placer mining regulations which were in force in the Yukon Territory prior to the said first day of August : provided that this section shall not prejudicially affect the rights of any other company or person in or to such placer mining claim, if such last mentioned rights were acquired by reason of the neglect of the prior owner of such placer mining claim, or of any company or person through whom he claims title thereto, to renew such free miner's certificate within the period in this section mentioned.

Hon. Sir RICHARD CARTWRIGHT—I may point out to the leader of the opposition that the reason for this, as I am informed, is that the Yukon Placer Mining Act was originally framed with the idea that it would come into force on the 1st July, 1906. As he will recollect, for very good reasons it was not put into force until the 1st of August. There seems to be some error as to the date; it did not come into force until the 1st of August, 1906. Prior to the passing of that Act, every miner was obliged to obtain and keep in force by renewal a free miner's certificate. That certificate is not required under the provisions of the Yukon Placer Mining Act. A number of these miners, understanding the Act would come into force on the 1st July, 1906, did

not renew their free miner's certificate, and the intention, apparently, is to prevent any injury accruing to them from their default in that respect.

Hon. Mr. BAKER, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

## PORT ARTHUR POWER AND DEVELOPMENT COMPANY BILL.

### CONSIDERATION OF AMENDMENTS POSTPONED.

Hon. Mr. ELLIS moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (WW) An Act to incorporate the Port Arthur Power and Development Company.

Hon. Mr. LANDRY—I wish to say a few words on this question ? I do not think these amendments are before us in a proper way. I do not think the committee had a right to report on that Bill before having done its work. The committee had no right, after having adjourned in the morning, to sit in the evening without proper notice, and no notice was given. I call attention to the point that this motion is not properly on the order paper. I do not think a committee has more rights than the House has. At page 54 of the third edition of Bourinot we find the following :

> Committees shall be regularly adjourned from day to day, though in the case of a select committee particularly the chairman is frequently allowed to arrange the date and hour of sitting, but this can be done only with the consent of all the members of the committee.

The committee sat in the morning. At one o'clock, or a quarter past, the committee adjourned to the call of the Chair. A particular instruction having been given to the chairman to call a meeting for that day. I say that, under those circumstances the committee cannot go back on its decision and have a meeting on the same day. There must be a distinct understanding when the committee is sitting if it is to meet on the same day. If the House adjourns now, would the hon. gentleman contend that we could meet this evening ? No, we could not, because when the House adjourns today it has to adjourn till the next day, and so with the committee, except if at the sitting of the committee there is unanimous consent of the members of the committee that the session is to be adjourned till the evening. It is the same sitting and is continuing, but in this case it was not the continuation of the same sitting. The sitting had been concluded and the calling of another session was left to the Chair. I contend that the meeting was irregularly called in the evening, and moreover I contend that the committee has no right to report at all, the time having expired. If we look at page 358 of the Minutes and Proceedings we find the following :

> Your committee recommend that the time limited for presenting private Bills to the Senate be extended to Wednesday, the thirteenth day of March next, and also that the time limited for receiving reports from any standing or select committee on a private Bill be extended to Wednesday, the third day of April next.

We are far from the third of April, and I do not think there has been any subsequent order. I looked through the Minutes and made inquiries and find that this is the last order. So that the committee has no right to report that Bill any more than any other Bill. Then I refer to page 758 of Bourinot, where he says :

> In the session of 1880-81 the time for the reception of reports on private Bills in the Commons lapsed accidentally and it was not competent for the Standing Orders Committee to recommend an extension of time. It was then considered necessary to give formal notice of a motion to revive it.

And more than that I claim also that no notice was published in the lobby. Rule 121 says :

> The clerk shall cause lists of all private Bills and petitions relating thereto to be prepared daily by the clerks of committees to which the same are respectively referred; and the time when and the room wherein each committee is to meet shall be specified in such lists, which shall be hung up in the lobby.

Not one of those things was done. The list in the lobby did not show us there was a meeting in the evening, or that there was a meeting in room No. 8, which, by rule 21, is made obligatory on the secretary of the committee. For these reasons, I claim that the report is not in order.

Hon. Mr. ELLIS—Perhaps the House will allow me to say with regard to the meeting of the committee, that the members on the committee were notified. I was notified and went to the meeting.

When I reached the committee room the committee was sitting, and the hon. gentleman who sits on my left was in the Chair, and some progress had been made I sat down and took part in the proceedings. The hon. gentleman asked me openly if I could take the Chair. I did so, with the consent, I presume, of the gentlemen present. The discussion went on for some little time. It was finished in the usual way, and I was acting chairman at the time, and so reported the Bill. I certainly got my notice.

Hon. Mr. YOUNG—I got mine.

Hon. Mr. ELLIS—That is the whole proceeding, so far as the committee was concerned. With regard to the other point raised by my hon. friend, I may say that there was a meeting of the committee this morning, and I thought I saw my hon. friend present and he raised no question as to the regularity of the proceedings there.

Hon. Mr. LANDRY—That does not deprive me of the right to raise the point here, but I think the other questions are not answered. It is not the fact of giving a notice that makes the meeting in order. If you have a right to have a meeting of a committee, you may give the notice.

Hon. Mr. McMULLEN—I was in the committee at the time this Bill was under consideration. There was a motion to adjourn made, but it was never put to the meeting. It was discussed at some length. There was an appeal made to pass this Bill, because it was a short Bill and had to go to the Commons. Under those conditions, the motion to adjourn was not put. It was agreed to set aside the motion of adjournment, and take up this Bill and dispose of it. That was done, and the committee rose for lunch.

Hon. Mr. LANDRY—I think the hon. gentleman is mistaken. The committee adjourned.

Hon. Mr. McMULLEN—No, never did.

Hon. Mr. LANDRY—Then it is there yet.

Hon. Sir MACKENZIE BOWELL—If I understood the hon. gentleman, I think he made a mistake as to the two meetings. The meeting at which he was called to the Chair was one where the chairman had to leave to catch the train. At the meeting to which the hon. gentleman alludes I spoke myself till ten minutes after one, and then the committee adjourned.

Hon. Mr. ELLIS—I do not think I have made a mistake. I referred to the afternoon meeting. That is the meeting at which the Bill was agreed to, and I presume my hon. friend was served with a notice to attend the meeting. He knew it was to take place.

Hon. Mr. LANDRY—I beg your pardon, I did not receive any notice at all.

Hon. Mr. WATSON—You were there.

Hon. Mr. LANDRY—I was on the train.

Hon. Mr. ELLIS—I understood my hon. friend refused to accept service of the notice.

Hon. Mr. LANDRY—That is not the same thing.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right as to the afternoon meeting. Before the hon. gentleman from Stadacona left that afternoon, just before the adjournment, he came and asked me if I had any notice of a meeting that afternoon, and I told him no, I had not at that time. I received it afterwards. He then left for his home. He said he never received a notice. Of course that I know nothing about.

Hon. Mr. YOUNG—I may be wrong, but speaking from memory, my recollection was that Sir Mackenzie Bowell had the floor in the committtee after one o'clock, and moved that the committee adjourn, feeling, and reasonably so, that the committtee had worked hard enough to entitle them to an adjournment at one o'clock, and I called the attention of the chairman of the committee that there was one more short Bill, and that while the hon. gentleman from Hastings had very properly moved the adjournment of the committee after one o'clock, but he might not object to a meeting of the committee after the House adjourned that afternoon. So far as my recollection goes, that was agreed to, and the committee met after the sitting of the House, and proceeded with the business of the committee. I mention this, if I am correct in my under-

standing of the matter, to show there was no surprise, because the matter of meeting after the sitting of the House was fully discussed, and I remember the hon. gentleman from Hastings saying he did not object to that at all, but he did object to a committee sitting after one o'clock ; that it was a reasonable time for a committee to adjourn, and I think he received the unanimous support of the committee in that respect.

Hon. Sir MACKENZIE BOWELL—Did the hon. gentleman say that I did not object to the adjournment ?

Hon. Mr. YOUNG—No, the hon. gentleman objected to sitting after one o'clock, and I said that objection was well taken, but the hon. gentleman's objection might not go so far as to object to the committee meeting after the sitting of the House, and so far as I was able to observe, that seemed to meet the view of the committee, because there was no dissenting voice, and we met afterwards. I received my notice, and considered the Bill very carefully, and so far as the notice of the committee is concerned, I think there can be no complaint.

Hon. Mr. POWER—As to another point which was raised, I may say that this report was received at the last meeting of the House.

Hon. Sir MACKENZIE BOWELL—An hon. member could not object to it until it had been received.

Hon. Mr. LANDRY—I was not here and I will tell you why; because the bell did not ring. There was only one call bell last night instead of two, and when I came here the House was discussing a Bill in committee.

Hon. Sir MACKENZIE BOWELL—That does not prevent any gentleman taking objection to it. He could not well take objection to it or raise a point of order until the report was received.

The SPEAKER—Two or three points of order have been raised against this motion made by the hon. gentleman from St. John, and there is one point on which I am not clear, that is, as to the fact that the time would have expired for the committee to report. As against that fact, which is alleged by the hon. gentleman from Stadacona, is the other fact that the Senate has consented to receive the report from the committee. If any hon. gentleman has any light to throw on this matter I shall be glad to hear it.

Hon. Mr. LANDRY—I contend that this committee is no longer in existence. They cannot make any report, and the document that we have here is not a report of the committee. The time has not been extended. No report can be made. I was not here yesterday when the report was presented, but it was proposed for acceptance.

Hon. Mr. ELLIS—If I remember rightly, the hon. gentleman was in his place when the committee reported, and made no objection.

Hon. Mr. LANDRY—Not the report on that Bill. Am I obliged to take objection to it at every stage ?

The SPEAKER—As the point is of considerable importance, as bearing on the procedure of the House, I will reserve my decision until to-morrow on the only point which I consider of any importance—the fact that the committee would have no existence at the time it made its report.

Hon. Mr. LANDRY—The minutes are there to speak for themselves.

The SPEAKER—As to the chairman being allowed a free hand in regard to the calling of committees, and the members assenting, or being subsequently notified by regular notice—these are facts which are not before me.

Hon. Mr. LANDRY—We accept what the hon. Speaker says, and leave the point to be decided by him. But I call attention to the fact that the necessity of posting was not done. The members of the committee were not duly notified in anyway.

The SPEAKER—For an afternoon sitting.

Hon. Mr. LANDRY—No.

The SPEAKER—The hon. gentleman admits that the morning sitting was regularly called?

Hon. Mr. LANDRY—Yes.

The SPEAKER—The point is not raised as to the right of the committee to sit in the morning.

Hon. Mr. LANDRY—If the first point is maintained, there cannot be any report.

The SPEAKER—The objection of the hon. gentleman is as to the sitting after the Senate adjourned.

Hon. Mr. LOUGHEED—That would also go to the question of the report. If that was not an afternoon sitting of the committee, of course there could be no report.

Hon. Mr. POWER—With respect to the point which His Honour was good enough to say he would consider, I think there is this to be borne in mind: The proper time to have objected to the power of the committee to report, which is the ground the hon. gentleman from Stadacona takes, that the committee has practically gone out of existence and could not report, was when the report was presented and before it was received, not after the House has decided that the report shall be taken into consideration on a future day, and that future day arrives. I take it that the objection is late.

Hon. Mr. YOUNG—I was informed by one of the officials of the House.

Hon. Mr. LANDRY—Was the notice given that there was to be a meeting that evening?

Hon. Mr. YOUNG—I am told that the hon. gentleman from Stadacona was offered his notice for that particular meeting, and refused to accept it.

Hon. Mr. LANDRY—That is not the point. You are jumping to another point. I want the hon. gentleman to answer my question first, and I will answer his afterwards. The first question I am asking is, was notice posted in the lobby that there was to be a meeting that evening?

Hon. Mr. YOUNG—I am so informed, and furthermore that the hon. gentleman who complains he did not receive notice was handed his notice personally and refused to accept it. Therefore he must have had notice of the meeting of the committee.

The SPEAKER—The Order of the Day will stand until I am ready to give my decision. It will not be in the position of having been dropped.

## WINNIPEG TERMINALS OF THE CANADIAN NORTHERN RAILWAY AND GRAND TRUNK PACIFIC RAILWAY BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (128) An Act respecting Winnipeg Terminals of the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company.

(In the Committee.)

Hon. Mr. SCOTT—This agreement is signed by the Canadian Northern, the Grand Trunk Pacific and the Minister of Railways and Canals, and by the commissioners for the Transcontinental Railway. The price put upon the terminals is $2,265,000. The rental to be charged on that is calculated at the rate of four per cent. The Canadian Northern bear one-half and the government and the Grand Trunk Pacific bear the other half. It might be pointed out to my hon. friend, speaking of the rental based on four per cent, that while the government is only receiving a rental on the basis of three per cent on the eastern section of the railway, they are contributing four per cent on the terminals. It is a poor rule that won't work both ways. In this agreement the rate of interest chargeable is on the basis of the present value of money.

Hon. Mr. LOUGHEED—Whereas the improvident contract which has been entered into between the Grand Trunk Pacific and the government at once becomes apparent when you take into consideration that during the whole period after the expiration of ten years, the government is only receiving a rental on the basis of three per cent.

Hon. Mr. SCOTT—Yes. Of course the value of money changes. There is no doubt about that.

Hon. Mr. LOUGHEED—There is a hotel scheme connected with the terminal scheme. Can the hon. gentleman tell me how much is appropriated for terminals proper, and how much for the hotel scheme?

Hon. Mr. SCOTT—I am unable to give the hon. gentleman any information as to that point.

Hon. Mr. LOUGHEED—What would be the policy of the government with reference to the hotel?

Hon. Mr. SCOTT—They have come to no decision yet.

Hon. Mr. COFFEY from the committee, reported the Bill without amendment.

## IMMIGRATION ACT AMENDMENT BILL.

IN COMMITTEE.

House resumed in Committee of the Whole consideration of Bill (143) An Act to amend the Immigration Act.

(In the Committee.)

Hon. Mr. SCOTT—When we last had this Bill under consideration, a discussion arose on the last clause of it in relation to stowaways. I find that this question was pressed on the department by the federation of shipping. They are naturally very much opposed to stowaways, because it is impossible to ascertain the character of a person coming to the country in that way. Ordinary immigrants leaving the shores of Europe are examined, and somebody has a knowledge of their antecedents and that report is transmitted to the department here. In regard to stowaways, the shipping interest have a greater concern than even the Immigration Department, because they recognize that the stowaways ought to be returned. They want to break up the practice. If it is known generally that stowaways are not allowed to land, then the Federation of Shipping think they can check the practice to a great extent.

It is at the instance of the shipping federation that this clause has been introduced.

Hon. Mr. LOUGHEED—The government are showing entirely too much solicitude for the shipping federation. When we take into consideration the fact that the shipping federation is the body that largely determines the character of the immigrants we receive into Canada, for which they are well paid, it seems to me there need not be that deep concern evinced by my hon. friend in excluding stowaways from the country. The stowaway, in the first place, is not a charge upon the country. He is not brought here at the public expense. No commission is paid to booking agents for bringing him here. He comes here entirely on his merits, and so husky a gentleman is the stowaway that he should certainly get a chance in this free Dominion. I am sure it will be news to the public at large to learn that all the immigrants that come to Canada have their antecedents inquired into, as has been intimated by the hon. Secretary of State. It certainly would make very pleasant reading to learn the antecedents of the many thousands who come from continental Europe. I should like very much to know on what authority my hon. friend makes the statement that inquiry is made into the antecedents of all the immigrants who come to Canada? I see no good reason why the stowaway, if he can pass the physicial test imposed by the government upon immigrants landing in Canada should not be permitted to stay here. He comes here at his own expense—at the expenditure of his own energy. He evinces an enterprise which certainly no bonused immigrant shows, and why when he lands on our shores free of cost, particularly after all the efforts he has made to reach this free land of ours should he be excluded at the instance of the shipping federation ? If those gentlemen cannot exercise sufficient vigilance at the various points of embarkation in Europe, it surely does not devolve on the Dominion of Canada to manifest the deep concern they are showing to-day to provide machinery for the exclusion of those gentlemen who land on our shores at the expense of this same Shipping Federation.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is in error when he says no commission is paid on those stowaways. That is one of the frauds perpetrated by these agents. They take the shipping list of those on board the vessel and the stowaways would be included. They have gone to no expense or trouble to bring them to this country, but they receive a commission on them. Any one who has crossed the ocean and has seen how those stowaways are made to work the moment they are discovered, will conclude that they earn their passage.

Hon. Mr. LOUGHEED—Perhaps that is why the shipping federation want them deported, so that they can make them work on the way back.

Hon. Sir MACKENZIE BOWELL—The master of the ship that brought the stowaway to the country wishes to get rid of him, then you impose on him the penalty of taking back the same man that he did not want.

Hon. Mr. SCOTT—That is the law now, and has been the law.

Hon. Sir MACKENZIE BOWELL—Then there is no necessity for changing it.

Hon. Mr. SCOTT—It is to give greater facilities to control the abuse.

Hon. Sir MACKENZIE BOWELL—It is beyond doubt that those in command of ships do not like to have these stowaways on board, but it has been expressed here, they should be responsible for the stowaways being on the ship. I remember distinctly when we were leaving Sydney, Australia, the captain of the vessel ordered that a strict watch be kept to prevent stowaways coming on board. He had three or four men watching for some days before the vessel sailed, nevertheless after we had been at sea some three or four days, three or four stowaways popped up. I know the captain made them work all the way over, and on reaching Honolulu sent them on shore, yet after we got away from Honolulu the same fellows popped up again.

Hon. Mr. SULLIVAN—I think it is a most unhuman thing to reject a man who is simply under the strong impression that he would do better in this country, and who would be willing to give a note in payment of his passage. The fact of these men having to work hard for their passage when they are discovered, is sufficient to pay the company for the trifling amount of food they consume on the way. I do not think it is any detriment or injury to the company to give a man the space that his legs will occupy on a ship. Therefore I protest against this clause. Nobody with a sense of humanity would put such a man in jail until the ship was ready to leave port. If the ship met with an accident, he might be detained in jail six months, to his great injury.

Hon. Mr. SCOTT—There is one feature of this which has been rather overlooked. Hon. gentlemen know we have agents all over Europe picking up eligible persons to immigrate. If the man who becomes a stowaway is a deserving character he will have no difficulty in coming to Canada through the legitimate channels. There is the very best evidence, to begin with, that the stowaway is not a desirable person. He may be a fugitive from justice and is most likely to be. If he were the hero that my hon. friend has painted him, and as we are all accustomed to think he is, if he were an active, plucky fellow who wants to get a fresh start in a new world, there would be some reason in admitting him. But there is another side to the picture, and, as I say, if he is a deserving man, he can be readily sent across to Canada. We know that the Salvation Army are picking up deserving people all the time and paying their fares and it may be taken for granted, under these circumstances, that the stowaway is not a desirable man.

The clause was adopted.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendment.

## REVISED STATUTES AMENDMENT BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (148) An Act to amend schedule A of the Revised Statutes, 1906.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: This is a purely technical Bill which is to correct some errors in the Revised Statutes. Schedule A repeals a large number of statutes, amongst others those relating to the Northwest. At the time the Revised Statutes were approved, Alberta and Saskatchewan had been formed into provinces and the object of this Bill is to put at the end of that schedule 'Except Alberta and Saskatchewan.' There is nothing else in it.

The motion was agreed to.

The Senate adjourned until to-morrow at Three o'clock.

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## SENATE.

OTTAWA, Wednesday, April 17, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## PORT ARTHUR POWER COMPANY BILL.

### A POINT OF ORDER.

The SPEAKER—Before the Orders of the Day are called, I desire to pass upon the point of order raised by the hon. gentleman from Stadacona yesterday on the motion of the Hon. Mr. Ellis that the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (WW) An Act to incorporate the Port Arthur Power and Development Company be concurred in. The hon. gentleman contended that the report of that committee was irregular and illegal inasmuch as the time within which the said committee could report to this House had lapsed, the last day being the third of April inst. The hon. gentleman added, as other reasons why the report should not be concurred in, that a meeting had been called with too short a notice, against the letter and spirit of our rules and practice, and that the notice had not been given to the members of the committee and had not been posted in the lobby. The principal point that I have to decide is as to the lateness of the report which was made. I will draw the attention of this House to the fact that although the time had lapsed for the committee to report after the third of April, the Senate judged fit, on the fourth of April, to send to that committee two Bills, the Atlantic, Quebec and Western Railway Company Bill and the Quebec and Oriental Railway Company Bill, which were reported upon on the ninth of April inst. by that committee, accepted and passed by this House. Similarly the Railway Committee reported on the Bill which is now before us for review, the day before yesterday, and the Hon. Mr. Ellis, from the Standing Committee presented his report; that report was received by the Senate and on a motion by the hon. gentleman it was ordered that the said amendment should be taken into consideration by the Senate the following day, which would be yesterday. I will not discuss the validity of the work done by the Railway Committee on these three Bills which I have mentioned, nor upon the validity of the report that was made. All that I have to find is—and I do find—that the Senate accepted the work of that committee, reviewed and passed upon it to such an extent that the two first Bills were adopted and passed the third reading, and were sent to the House of Commons. This Bill is in the same position. The Senate accepted the work of the Railway Committee, and placed it on the Orders of the Day yesterday to be discussed, revised and reviewed. The Senate could have, as the Commons did in 1887, withdrawn the order of reference, and decided to deal with the Bill itself. It did not choose to do so, as was done with the Bill affecting the Albert Railway Company in the House of Commons in 1877, but accepted the work of the committee, and took it up for review. I find that the point of order has been raised too late, and it is now for the Senate to take whatever action it pleases on the Bill as it is at present before us. This covers practically the points raised by the hon. gentleman from Stadacona, but I may say, after examining them as they were made, that the chairman of the Committee on Railways, Telegraphs and Harbours, having been given the liberty of calling the committee when he would deem proper, after the question having been raised of the possibility of that committee sitting after the adjournment of the House, that he was within his rights in doing so. As the hon. gentleman from Killarney has made the affirmation that the hon. gentleman from Stadacona had received his notice, as well as the other hon. members, and as this has not been formally contradicted by the hon. gentleman from Stadacona, inasmuch as he admitted having received a notice which he did not read——

Hon. Mr. LANDRY—I received no notice at all.

Hon. Mr. YOUNG—The hon. gentleman refused to receive it.

Hon. Mr. LANDRY—I give my word that I did not receive it, and my word should be taken. I did not receive the notice.

The SPEAKER—I understood when the matter was before the House yesterday that the hon. gentleman had simply declared that he had not read the notice——

Hon. Mr. LANDRY—I did not receive it.

The SPEAKER—And did not contradict the fact that the notice was offered to him. The first point, to my mind, settles all the points raised, inasmuch as the point of order is declared to be too late.

Hon. Mr. LANDRY—Certainly I accept the decision of the Chair, and I merely rise to say that I did not receive notice and to contradict the assertion that it was because it was on a Friday and we were not accustomed to meet in the evening that the chairman was empowered to convene the committee at his call; it was understood we were all leaving on Friday.

The SPEAKER—The hon. gentleman had not made this remark when the hon. member from Killarney spoke yesterday.

Hon. Mr. YOUNG—Of course, I accept the statement of the hon. gentleman that he did not receive the notice, but I made my statement on the strength of the statement of a respected official of the House. In connection with this matter there arises another question which should be dealt with promptly. That is the fact that the time has expired for the presentation of reports on private Bills by our Standing Committees. I take upon myself the responsibility of not having brought this matter to the attention of the House at the proper time. I happen to be chairman of the Standing Orders Committee, and that committee rely upon me to attend to these matters and I failed to do so. When I make a confession of this kind I hope to get absolution.

Hon. Mr. LANDRY—The absolution is given in advance.

Hon. Mr. YOUNG—The House adjourned on the 22nd of March and reassembled on the 4th of April. The 3rd of April coming in during the adjournment accounts partly for this matter being neglected. When we reassembled on the 4th of April, after the Easter holidays, the time had gone by for presenting reports. The Private Bills Committee, according to our rules, are in a peculiar position. The latter part of rule 110 provides as follows:

> Nor may any report of any standing or special committee upon a private Bill be received after the first six weeks of each session.

As hon. gentlemen know, the Standing Orders Committee recommended an extension from time to time and, therefore, the power to present reports of any special committee was extended up to the 3rd of April in that way. If you turn to rule 125 you will see that:

> The committee to which a private Bill has been referred shall report the same to the Senate in every case.

Now, you can readily see the position in which our committees stand. In the one case the time to report has expired, and if, as the Speaker has pointed out, this House has referred to a committee a Bill for their consideration, they are bound to report under rule 125. I ask permission to make a motion that clause 110, so far as it relates to reports of committees for the balance of the session be suspended. If you turn up the authorities which the hon. Speaker has quoted, you will find that they mention similar cases which have occurred in the Commons, and the ruling of the Speaker was that owing to its being necessary for the routine of the House, that no notice was required.

Hon. Mr. LANDRY—I object. That is against our rules.

Hon. Mr. YOUNG—No.

Hon. Mr. LANDRY—I will prove it.

Hon. Mr. YOUNG—This is the exception.

Hon. Mr. LANDRY—I do not see why the hon member should consider it necessary to suspend the rule to the end of the session if there is no rule.

Hon. Mr. YOUNG—What I say is that making a motion without notice in this case is one of the exceptions.

Hon. Mr. LANDRY—If the hon. gentleman will turn to rule 24, paragraph (a), he will find it provides that to suspend any rule or standing order, or any part thereof one day's notice must be given. It is in the face of this obligation imposed on us by our rules that he asks the Speaker to decide, in accordance with certain decisions in the House of Commons, that no notice of his motion is needed.

Hon. Mr. YOUNG—When that ruling was given by the Speaker of the House of Commons, had they not a similar rule that no rule could be suspended unless by unanimous consent?

Hon. Mr. LANDRY—Yes, by unanimous consent, but I am opposed to it.

Hon. Mr. YOUNG—It is some years since I read the authorities on the subject, but

my recollection is that objection was raised to the rules being suspended, and the Speaker being appealed to said that no notice was required under the circumstances.

Hon. Mr. LANDRY—No notice is required when it is by unanimous consent, but I do not consent.

Hon. Mr. YOUNG—I never knew the hon. gentleman to consent to anything yet.

Hon. Mr. LANDRY—The hon. gentleman forgets. However, if he is under that impression, in the future I will never consent.

Hon. Mr. YOUNG—I would ask the Speaker to inform the House if there is such an authority as I have mentioned.

Hon. Mr. LANDRY—The hon. gentleman has just pointed out that under rule 125 a committee to which a private Bill has been referred shall report the same to the Senate in every case. That is very well understood. When a committee is in possession of the Bill they may say that they cannot proceed with it because the time has expired. They are not obliged to bury the Bill in the committee, they must report it to the House, either expressing approval of the Bill or refusing to recommend its passage because the time has expired.

Hon. Mr. YOUNG—My hon. friend took the position yesterday that they could not report.

Hon. Mr. LANDRY—That they could not report the way they did.

Hon. Mr. YOUNG—But to-day they can.

Hon. Mr. LANDRY—My hon. friend is happy to bring in a decision given in the House of Commons when it favours the position he takes, but he does not want to accept a decision of the House of Commons when it is against him. That is not fair-play. If we are bound by our rules, those amendments are not in order. If our rules do not bind us, why ask to have them suspended ? Why not decide that a committee may go on and report to the day of judgment.

Hon. Mr. YOUNG—My only interest in this matter is to forward the business of the House without any technical interruption. I think it is desirable, however, to place our committees in a proper position at the earliest possible moment.

Hon. Mr. LANDRY—Give notice then.

Hon. Mr. YOUNG—The hon. gentleman misunderstood me when he said I was willing to accept decisions when they were in my favour and reject them when they were not. My memory of the decision in the House of Commons is that in a matter of this kind, no notice of motion is required. However, to save time and remove all objections, I give notice that I will make this motion to-morrow.

Hon. Mr. POWER—That notice of motion settles the question ; but I wish to direct the attention of the hon. member from Stadacona to paragraph (s) in rule 25. Rule 25 says that no notice is required for certain motions, and paragraph (s) is 'other motions of a merely formal or uncontentious character.' That paragraph was intended to provide for cases of this kind where the formal business of the House is interfered with in some way and the motion is formal in its character. However, to remove all objections, the course taken by the hon. senator from Killarney is the safer.

The SPEAKER—I have looked up the authorities cited by the hon. gentleman from Killarney, and my decision is that the point of order is well taken—that notice is needed.

Hon. Mr. YOUNG—In both cases the motion was to remedy an informality due to neglect.

The SPEAKER—Yes.

Hon. Mr. YOUNG—That was my point.

The SPEAKER—I may state, if my decision was not clear enough, in answer to the remarks of the hon. member from Stadacona, that if he had taken his point of order the day before, when the report was presented it would have been well taken.

Hon. Sir MACKENZIE BOWELL—Do I understand that the decision is that had the objection taken by the hon. member from Stadacona to-day been raised when the report was presented first, or when the Senate took action in referring it back it would have been well taken ?

The SPEAKER—There was no action such as is mentioned by the hon. gentleman.

The demand was made on the Senate to receive the report, and the Senate agreed to receive it, and on a motion that the amendments be considered next day, it was agreed to, so the matter is now before the Senate in that form. The Senate has seized itself of the Bill and is now dealing with it as coming from that committee.

Hon. Sir MACKENZIE BOWELL—As I understand, if the hon. gentleman had taken the objection when the motion was made to consider the amendments it would have been in order ?

The SPEAKER—Yes, when the report was made.

Hon. Mr. LANDRY—Because when a report is presented, we do not know what is in it. An hon. member arises and says : 'I beg to bring in a report.' I cannot object to the report. It must be received. I do not know what is in it.

The SPEAKER—The report was from the Railway Committee on a private Bill, and if the time had expired, that was the occasion to object to it.

## DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish again to direct the attention of the hon. leader of the House to the circumstance that some returns to addresses which were passed by this House comparatively early in the session have not yet been attended to. One of these refers to the steamer 'Montcalm.' Another is with reference to certain exhibits that accompanied the report of the insurance commission.

Hon. Mr. SCOTT—I understood they were brought down.

Hon. Mr. FERGUSON—I am told they were not.

Hon. Mr. SCOTT—I made inquiries and they told me they were brought down.

Hon. Mr. FERGUSON—I think the hon. gentleman is confusing the notice in regard to exhibits referred to by the insurance commission with the other notices I made with reference to insurance. One was with regard to the discourtesy shown to the Senate in not furnishing the annual statement with reference to the Civil Service Insurance Act. That was attended to. Another was a return showing the operations of the Civil Service Insurance Act up to the present time ; that has been attended to, but the motion which I made in the form of an address for a return of certain exhibits which accompanied the report of the insurance commission have not, I am told by the officers in custody of these documents, been presented to the House.

Hon. Mr. SCOTT—Can you give me the page where I can find the notice ?

Hon. Mr. FERGUSON—I will give it later on.

Hon. Sir MACKENZIE BOWELL—I should like to know whether either of the ministers can tell us whether any of the exhibits which were moved for by the hon. senator from Marshfield were ever laid upon the table of the House of Commons ? They were asked for by members of the opposition at that time, and they were informed, if my recollection serves me right, that it could not be done without the consent of somebody—without the consent of the Commons. His attention was called to the fact that an address had been passed by the Senate asking for these exhibits.

Hon. Sir RICHARD CARTWRIGHT—I am not aware of what has been done in the matter, but I will make inquiry.

Hon. Mr. ELLIS—I might say to the hon. gentleman that I think those exhibits are with the clerk of the Printing Committee of both Houses. Whether they have been formally laid down on the Table of the House I do not know, but I think they are in possession of the clerk of that committee.

Hon. Sir MACKENZIE BOWELL—Does the Printing Committee intend to meet again this session ?

Hon. Mr. ELLIS—I could not say that. All the unfinished business is now in the hands of the chairman.

Hon. Sir MACKENZIE BOWELL—It is very important that those exhibits should be printed, in order that we can understand what we are doing when we discuss the question.

Hon. Mr. FERGUSON—The explanation or statement made by the First Minister to the House of Commons that an address of the Senate had been passed asking for cer-

tain of these exhibits, only a few of them, five or six altogether, but that the documents had been placed in the custody of the House of Commons and that the order of the Senate could not be complied with without the consent of the House of Commons. That statement was made and it seemed very singular to me. I learned from the late secretary of the Insurance Commission that when the commission disbanded the papers were placed in the custody of the House of Commons, and that was in accord with Mr. Fielding's explanation. I presume that when the Insurance Commission disbanded and the secretary took his place once again in the Department of Finance, of which department he was an officer, that some person had to take over the custody of those documents. Perhaps the House of Commons might properly assume that custody, and, having assumed that custody, perhaps it was necessary that its consent should be obtained, in order that the Senate might get copies; but what surprises me is that so much time has intervened from the day that the discussion took place in the House of Commons and we have not received the copies that were ordered by this House to be furnished.

Hon. Mr. SCOTT—I wrote Mr. Flint about it, and I understood they were sent over promptly. I brought some papers here myself, which I did not examine, but I thought they were the exhibits connected with the Insurance Commission. I may be wrong about that, because I did not examine them.

Hon. Mr. FERGUSON—It is quite surprising to me to be told, as we have been told by the hon. gentleman from Killarney, that these papers are in the possession of the clerk of the Printing Committee. I cannot imagine that the Printing Committee should have the custody of them, although they may be considering the question of whether they are going to print them or not. Did the hon. gentleman say the Printing Committee ?

Hon. Mr. YOUNG—The hon. gentleman is charging me with one sin of which I am not guilty. I did not open my mouth.

Hon. Mr. SULLIVAN—It was the hon. gentleman from St. John.

Hon. Mr. FERGUSON—Then it was the hon. gentleman from St. John that made that statement. I do not suppose either of them made a statement that was inaccurate ; I only want to know why these documents should remain in the custody of the Printing Committee. They may have been referred to that committee for the purpose of considering whether they should be all printed or not. I suppose the Printing Committee, in its wisdom, will decide that matter ; but I will say that in all conscience we have had printing enough in connection with the Insurance Commission.

Hon. Mr. ELLIS—The rule, as I understand it, is that when returns are laid before parliament, particularly before the House of Commons, they pass into the hands of the officer who is appointed for that particular purpose, who is also the clerk of the Printing Committee. They pass into the control not perhaps of the committee absolutely, because that committee simply pronounces whether they should be printed or not, but into the hands of the clerk of the committee, Mr. Polkinghorne, who decided whether they should be printed or not, and from him a copy can be obtained. I happened to be in the room this morning, and a gentleman from the House of Commons sent a memo. to Mr. Polkinghorne asking for exhibit so and so, and it was given to him.

Hon. Mr. FERGUSON—It is extraordinary that members of the House of Commons can get those documents in so simple a way, when we cannot get them even if we pass an address.

Hon. Mr. ELLIS—I am quite sure if my hon. friend went over he could get them. I am risking the statement, but that is the common practice.

Hon. Mr. POWER—I remember there was some discussion on this subject at an early stage in the history of the commission's report, when the report first came down, and the hon. gentleman from Marshfield was anxious that the exhibits should be brought down. It was then stated in explanation that the exhibits were most voluminous. I think the hon. gentleman thought they should be printed.

Hon. Mr. FERGUSON—I distinctly said no, as I say now, that there was printing enough and too much.

Hon. Mr. POWER—If the hon. gentleman will permit me, I may finish what I am saying before he contradicts me. It was pointed out on the other hand—I am giving my own recollection of the matter—that it would involve a great expenditure, and then the hon. gentleman said he did not wish to have all the exhibits printed, but I think he suggested that a list of the exhibits should be printed, and the members of this House should have access to any of those which they desired to see. I understood the hon. Secretary of State to agree that a list of the exhibits should be printed and submitted to accompany the report. I do not know whether that has been done or not, but I think that is the position as far as the House is concerned.

Hon. Mr. FERGUSON—I stated then most distinctly, just as I have stated today, that I was not in favour of having the exhibits printed, that we have had printing enough and I did not ask for any more. I wanted to know where I could get the exhibits. My hon. friend told me where I could see them, and I went there to look for them, and saw some in which I felt an interest, and then I got an order so that I could get a copy of them, I moved for an address and that is what we are talking about now. I instanced by their numbers some six or seven exhibits which I was desirous we should be furnished copies of, but that order has never been complied with.

Hon. Sir MACKENZIE BOWELL—The statement made by the hon. gentleman from St. John in reference to the routine is quite correct, but he scarcely finished the statement. A report when laid before the House of Commons is referred to the Printing Committee, and, of course, it goes to the clerk; then it is for the Printing Committee to decide whether it is to be printed simply for circulation among the members, or whether it shall be entered on the journals. That is the routine course. If it were presented to the clerk of the committee, he would lay it before the committee at the first meeting, and it would be for them to decide what could be done with it.



## EMPLOYMENT OF OUTSIDERS IN CANADIAN MILITIA.

Hon. Mr. LANDRY—I call the attention of the hon. Secretary of State to an order that was passed by this House on the 19th February, for a return in reference to the employment in our Canadian militia of persons coming from the British Isles, from the other English colonies, and from foreign lands as strangers to Canada. That order was passed on the 19th of February, and I should like to have that return. It is not very long.

Hon. Mr. SCOTT—I will look it up.

## THIRD READINGS.

Bill (128) An Act respecting the Winnipeg Terminals of the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company.—(Hon. Mr. Scott.)

Bill (143) An Act to amend the Immigration Act.—(Hon. Mr. Scott.)

## JUVENILE DELINQUENTS BILL.

### SECOND READING POSTPONED.

The Order of the Day being called:

Second reading (Bill FFF) An Act respecting Juvenille Deliquents.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT—I move that this Order of the Day be discharged and that it be placed on the Orders of the Day for to-morrow.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman expect to pass the Bill this session?

Hon. Mr. SCOTT—No, it is just to have it circulated.

Hon. Sir MACKENZIE BOWELL—The reason I asked the question was that if the hon. gentleman had any hopes of passing it this session, he had better not delay it any further.

Hon. Mr. SCOTT—No, it is not intended to pass the Bill. It is simply intended to elicit public opinion on the measure. A number of copies have been circulated, and I hope hon. gentlemen will express their views on it.

The motion was agreed to.

## PORT ARTHUR POWER AND DEVELOPMENT BILL.

### AMENDMENTS CONCURRED IN.

Hon. Mr. ELLIS moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (WW) An Act to incorporate the Port Arthur Power and Development Company.

Hon. Sir MACKENZIE BOWELL—This is one of those Bills dealing with a matter that is exclusively within the jurisdiction of the province of Ontario, but it is contended that because it is proposed to extend the electric wires up to the boundary line, that therefore it comes within the purview of this parliament. Now it is well known that the territory through which this line runs is exclusively in Ontario, and it is well known that even when you reach the stream, Pigeon river, the bed of the river to its centre belongs to the province and is under the jurisdiction of the province of Ontario. Hence the line is to all intents and purposes one of a provincial character, but in order to give it a Dominion character, a Bill is introduced in parliament and considered in committee, adding the words 'to extend it from Pigeon river to Ile Royale.' That is a well-known island at the head of Lake Superior, in the United States, and it is equally well-known that nobody lives there except a few fishermen. At one time there was some copper mining upon that island, but that ceased long ago. The object of adding these words extending the line to Ile Royale could have no other purpose than that denounced so clearly yesterday by the hon. senator from Middlesex (Hon. Mr. Ross)—to bring the Bill within the authority of this parliament. No mention of Ile Royale was made in the notices published in the 'Official Gazette' and the newspapers, of the intention to apply for this charter; but finding the difficulty which would probably arise on account of its local character, they placed this clause in the Bill. It could be for no other purpose. If Ile Royale was a manufacturing centre, or a place largely populated, where power would be required for mining or industrial purposes, one could understand their desire to connect with that island. It is just one of those tricks—I use that word advisedly—so admirably exposed by the hon. senator from Middlesex yesterday, in order to bring the measure to this House instead of to the Ontario legislature. Gentlemen have come to me who had Bills of this kind before parliament, and when I asked them why they did not go to the Ontario legislature to obtain these powers, they replied: Oh, we cannot get the same powers and privileges there that we can get from the Dominion,' and for the very good reason that the great majority of those who occupy seats in both Houses here cannot be as familiar with the localities to be affected by such legislation as are the members of the Ontario legislature. The Ontario legislature surely know what concessions should be granted in the interest of the people and for the protection of provincial rights. I wish to emphasize this point, that the promoters of this Bill are seeking powers which they did not ask for in the notices given to the public, that they intended to apply for legislation here. If we are to admit the principle of granting important concessions and privileges not specified in the published notices, I hesitate not to say that we are adopting a principle which is very dangerous and may be carried very far in the future. I admit that in some unimportant cases such privileges and concessions have been made; but in a case of this kind, when the question of provincial rights is so prominently before the country, I ask is it wise to establish such a precedent? It must be borne in mind that the Ontario legislature have unanimously protested against the passage of such legislation by the Dominion parliament, and have announced that they will pass a Bill restricting as far as possible the operations of any company of this character by depriving them of local rights which they ought to have if they are to make their corporation operative. I think I might say that the vote of yesterday in the Senate was unanimous. My hon. friend from Kingston, voted nay, not because he was opposed to the principles involved in the resolutions before us, but because he thought the constitution itself was sufficiently clear to provide for cases of that kind, and the passage of the resolutions would be only duplicating what is already the law of the country.

Hon. Mr. SULLIVAN—And because the Senate is not likely to carry out the principle it affirmed.

Hon. Sir MACKENZIE BOWELL—That, to my mind, is not as good a reason as the other. The hon. gentleman, while admitting that the principles embodied in that resolution conform to the constitution, says that the Senate are not consistent in carrying out their own decision, and, therefore, he did not wish to cast a vote which he might violate the very next day, as he will if he supports this motion. I am pointing out all this on a motion for the adoption of an amendment, because the amendment to the Bill gives the company power and authority not asked for in the notice published for the application for this charter, and for the further reason that the Bill ought to be rejected, and the parties should be compelled to seek legislation from the Ontario legislature. If the Senate adopts the motion now before us approving of these amendments, I shall take advantage of the third reading to put my views upon this question upon the journals, leaving it for those who voted for the motion of the hon. senator from Mille Iles, seconded by the hon. senator from Middlesex, to say whether they will act consistently with that vote, or stultify themselves by voting for this Bill.

Hon. Mr. POWER—Perhaps, as the hon. senator from Hastings has expressed his views at considerable length on this subject at this stage, it would be only courteous to him to say a few words now in defence of the action of the committee. The hon. gentleman says that the notice in the 'Gazette' did not cover the provisions of the Bill which take it out of the jurisdiction of the province of Ontario. The hon. gentleman has forgotten when he made that statement, that the notice in the 'Gazette' provided that the company should be allowed to operate on the Pigeon river.

Hon. Sir MACKENZIE BOWELL—To the Pigeon river.

Hon. Mr. POWER—The Pigeon river, as every hon. gentleman knows, is a stream which forms the boundary between the United States and the province of Ontario. Now, a company could not operate in connection with the Pigeon river under a charter granted by the province of Ontario. If the company proposed to do anything with the Pigeon river, either in the way of getting power from it, or supplying power to the people on the other side of it, they would have to get authority from the parliament of Canada to do so. There was nothing about Ile Royale in the 'Gazette' notice; but Ile Royale is United States territory, and the ground taken by some hon. gentlemen in the committee was that notice with respect to territory in the United States was of no value and was unnecessary. As the hon. gentleman says, the motion before the House is for the adoption of the amendments made by the committee. I wish to call attention to these amendments. The committee recommend that certain clauses be inserted. The amendments are as follows:

A.

13. The company shall not enter within the limits of any municipality with any transmission line or sell or distribute electrical or other power therein without the consent of such municipality expressed by by-law.

B.

14. None of the powers conferred by this Act shall be exercisable within the limits of the town of Port Arthur or of the town of Fort William unless a by-law has been submitted to its qualified ratepayers and duly passed by them authorizing the exercising of such powers within its limits.

C.

15. The company shall at all times be prepared to furnish for consumption in Canada one-half of the power developed, and six months' notice to the company by registered letter shall be deemed sufficient notice to the company to furnish any person or persons power to the extent (or any quantity thereof) mentioned in this section.

D.

16. In case of any dispute as to the price for power or electrical energy in use or to be provided for use upon the Canadian side of the international boundary line, or the methods of distribution thereof, or the time within which or the conditions upon which the same shall be furnished for use, such dispute shall, notwithstanding the provisions of section 17 of the Railway Act, be settled by the Board of Railway Commissioners for Canada on the application of any user or applicant for power, or of the company, or of the town of Port Arthur or of the town of Fort William.

Page 2, line 40.—For '13' substitute '17.'

Page 2, line 44.—After clause 13 insert clauses E and F, as follow:

E.

18. Except as provided by sections 15 and 16 of this Act, the provision of the Acts passed during the present session of parliament, intituled, respectively, An Act to regulate the exportation of electric and certain liquids and gases and An Act respecting the inspection of electricity, shall apply to the company and to its undertaking.

Now the next amendment is the most important one, and it is one to which I direct the attention of the hon. senator from Middlesex. It is as follows :

F.

19. The company and its undertaking shall be subject to such provisions of any general Act now or hereafter passed by the legislature of the province of Ontario as provided, in the interest of public health or safety, for the control and regulation of the transmission, distribution or supply of electricity in any form.

Granting that this company are asking for powers which the legislature of Ontario could not give them, I think every hon. gentleman must feel that the amendments which the committee submit for the favourable consideration of the House deserve that consideration.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman evidently did not hear the commencement of my remarks. He stated that I did not refer to the question of running to Pigeon river. I not only referred to that, but I pointed out the fact that the provincial government had control over and owned that portion of the river to its centre. The merits of the Bill to which he has referred have nothing whatever to do with the question I raised.

Hon. Mr. DAVID—Did the hon. member oppose the amendments submitted to the Senate ?

Hon. Sir MACKENZIE BOWELL—I opposed the Bill as a whole.

Hon. Mr. DAVID—But does he accept the amendments ?

Hon. Mr. LOUGHEED—I am very much surprised at the hon. member from Halifax being chloroformed into a condition of unconsciousness, apparently, as to this invasion on provincial rights.

Hon. Mr. POWER—I am not going to raise a question about this word chloroformed, but it is unusual. I think my wits as a rule are as clear as the hon. gentleman's.

Hon. Mr. LOUGHEED—I give my hon. friend credit for acuteness of wit which is not surpassed probably by any hon. gentleman in this House, but there are moments when the hon. gentleman gets into a state of mental torpor as to the invasion of the rights of the provinces and convinces himself by reason of legislation of this kind being brought within the realm of the federal power. Now, it must not have occurred to my hon. friend, in dealing with the argument as to Pigeon river, that the jurisdiction of the province of Ontario to the middle of the stream is just as great with reference to Pigeon river as it is with regard to any other river within the province of Ontario, and my hon. friend must have overlooked the fact that that jurisdiction of the province of Ontario, as to Niagara river, which beyond all other rivers is of an international character.

Hon. Mr. POWER—As I understand, Pigeon river is a navigable river at that point.

Hon. Mr. LOUGHEED—So is Niagara river.

Hon. Mr. POWER—Not at the falls.

Hon. Mr. LOUGHEED—The question of the navigation of the river has nothing to do with the jurisdiction of the province or its ownership of the bed of the river to the middle of the stream. Therefore, my hon. friend's argument, which appears to be a source of comfort to him, that because Pigeon river is what he is pleased to call an international stream it was therefore taken out of the jurisdiction of the province, has no application in this case whatever. The case is one precisely similar to that of a company incorporated by the province of Ontario to utilize water-powers on the Niagara river. There is really no distinction whatever. My hon friend must be very well aware that the notice did not call for the extension of the operations of this company to Ile Royale, an island in Lake Superior belonging to the United States. It was said by many hon. gentlemen supporting the Bill that owing to the operations of the company being extended to Ile Royale, it therefore, comes within the jurisdiction of the federal parliament. It is pointed out that this company did not, in the first place, conceive of extending their operations to Ile Royale. When I say that, we must be governed by what appeared in the notices published in the 'Gazette' and in the Canadian newspapers. If they had intended to extend their operations to Ile Royale, it should have been mentioned in those notices. So far as the notice was concerned, that in

all probability would have given the federal parliament jurisdiction, but the omission of it must have established in the minds of hon. gentlemen that this company was purely local in its character, one which, above all others with which we have to deal, comes within the jurisdiction of the local legislature. Let us assume for a moment that it was the intention of the company to operate in Ile Royale. Even that, I submit to hon. gentlemen, should not take it out of the jurisdiction of the local legislature. The domestic concerns of the company, so far as the carrying out of its operations upon Canadian streams is concerned, is purely local, and it should have been incorporated by the local legislature and then, if necessary, secured from the federal parliament an Act to permit it to extend its operations to Ile Royale. So much for the merits of the Bill. Now as to the general principle; session after session we listen with a good deal of pleasure and instruction to many hon. gentlemen who profess to be champions of provincial rights. I must confess that I have never been in sympathy with the principle of leaving the incorporation of railways to the provinces. I have always taken the ground that this parliament should exercise its jurisdiction with reference to declaring all railways, even those which are wholly within the boundaries of the province, to be works for the general advantage of Canada ; but I am bound to say that I am thoroughly in sympathy with the argument and with the principle that this federal parliament should not interfere with reference to power and other companies peculiarly local, whose operations are entirely within the boundaries of the province, and are not such as to make them a link in a chain such as provincial railways are, because a railway incorporated within the boundaries of the province must necessarily, in its interchange of traffic, be a link in a great chain extending from the Atlantic to the Pacific. This principle does not extend to power companies. Above all companies, in my judgment, they are purely local in their character, and this charter, above all Acts of incorporation passed this session is an invasion of the rights of the province. It was not designed peculiarly to operate within the province of Ontario, and upon streams controlled by that province, and why this parliament should extend its far-reaching hand to permit this company to be taken out of the jurisdiction of the province is something which I cannot understand. It certainly would be a manifest inconsistency, in view of the fact that this Chamber passed yesterday, I might say unanimously, resolutions affirming the principle of provincial jurisdiction in such matters, that we should grant this legislation to this company.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Mille Iles asks me if I was opposed to the amendments. I hesitate not to say that if the Bill is to be passed, the amendments are an improvement ; but I took the opportunity to express my views as to the unconstitutionality of the motion, upon the motion for the adoption of the amendments. It will also be remembered that I stated that in case the amendments were affirmed by the House, I should then move, on the third reading, against the principle involved in the Bill.

Hon. Mr. YOUNG—The discussion on the amendments is practically a discussion which would be more regular on the third reading. It has taken the wide range of discussing the principle of the Bill, apart from the amendments. If I understand the hon. member from Hastings right, he raises no objection to the amendments, because the amendments are more restrictive than the Bill is without them ; but it will save time if we finish up the discussion at this stage. A similar Bill to this, touching the international waters of the Rainy river, came before this House two years ago, after the company had obtained legislation from the province of Ontario, and some of the best legal minds decided that the local legislation was incomplete, and the company had to come to this parliament to get the powers necessary to carry out their undertaking. My hon. friend from Hastings took a very active part at that time in seeing that the Canadian side got a fair deal in the legislation with regard to the distribution of power. The hon. leader of the opposition quotes the vote of yesterday, and I fancy that that is a milestone we will hear of frequently, and reminds the House that we declared

yesterday we would be loyal to the constitution, and he asserts this is a violation of that declaration of yesterday. How is a layman to reconcile the necessity of legislation of a similar character on an international stream two years ago, with the stand the hon. gentleman takes now? On that occasion the best legal minds in Canada decided that even after the company had obtained legislation at Toronto, as my hon. friend would have this company do, they found it necessary to come here for further legislation in order to have the necessary powers to carry on their undertaking.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman to say that I supported the Bill respecting the Rainy River Company?

Hon. Mr. YOUNG—No, that my hon. friend's efforts were directed to obtaining a fair share of the power generated by the company for the Canadian users.

Hon. Sir MACKENZIE BOWELL—What I opposed was placing the power in the hands of a lot of Yankees.

Hon. Mr. YOUNG—My hon. friend and I are agreed. He took the view then that in the legislation which had been passed at Toronto, the Canadian side of the question had not received proper treatment, and he, along with others, in this House, exacted better terms for Canadian users of power. But that does not alter the comparison I wish to make between this case and the case of two years ago. Further, let me call attention to this fact that this Bill has been submitted to the Department of Justice, and the department has pronounced upon it, and that opinion was given in another case.

Hon. Sir MACKENZIE BOWELL—We have no evidence of that.

Hon. Mr. YOUNG—No.

Hon. Sir MACKENZIE BOWELL—Will my hon. friend say, of his own knowledge, that that is a fact?

Hon. Mr. YOUNG—That is my information. I cannot repeat what occurred before a committee. Unfortunately, my hon. friend from Toronto, on account of circumstances over which he has no control, is absent today; but I understand he has the written statement of the department in his possession, and could produce it if he were here.

Hon. Mr. LANDRY—He should not have run away with them.

Hon. Mr. YOUNG—That is right, but I will not rely on that. I rely on the principle followed by this House two years ago. As to the safeguards which we have provided in the Bill, I would draw attention to clause 19 of the reprint of the Bill, which provides:

> 19. The company and its undertaking shall be subject to such provisions of any general Act now or hereafter passed by the legislature of the province of Ontario as provide, in the interest of public health or safety, for the control and regulation of the transmission, distribution or supply of electricity in any form.

We also provide in another clause of the Bill that notwithstanding section 17 of the Railway Act, the Board of Railway Commissioners have governing power under the Bill. And I think that my hon. friend, whether he is for or against the motion, will bear me out that the committee endeavoured to amend the Bill on the same lines and consistent with the Bill which was passed two years ago by this House. It seems to me this Bill is on all fours with the Bills of two years ago and has equal claim to the attention and consideration of this House, and I submit that with all confidence to the good judgment of the Senate.

Hon. Mr. FERGUSON—When yesterday we passed this very solemn resolution with regard to provincial rights, I felt at the time that a good many of us, especially some gentlemen I see now on the opposite side, and some I do not see just at this moment, would have a very great deal of difficulty in squaring their preaching with their practice, and I thought of the story of a merchant, I do not know where he lived—I do not believe he lived in Prince Edward Island any way—who was very punctilious in looking after his clerks and his boys. On one occasion he called two of them before him one morning, Jack and Jim, and he said: 'Boys, have you said your prayers this morning?' They replied: 'Oh, yes we did' He said: 'Are you sure?' They said: 'Oh, yes.' 'Did you pray "Lead us not into temptation?"' 'Yes.' 'Did you pray "Deliver us from evil?"' 'Yes.' 'Well, you are good boys; Jack, you go and put some sand

in the sugar, and Jim, go and put some water in the molasses.' That is just what the House is proceeding to do with regard to this matter. We passed a resolution yesterday, the third section of which reads in this way:

3. The Senate will not pass any Bill containing a declaration that a local work or undertaking is for the general advantage of Canada or for the advantage of two or more of the provinces, unless the truth of that declaration has been proved.

I ask hon. gentlemen what proof have we of that declaration with regard to the Bill that is now before us? It is simply a power company located in the province of Ontario. I have looked at the amendments in committee, to give rights to transmit and sell power in Ile Royale on the other side of what constitutes the international boundary, but care has been taken, and properly so, that the due share of the power that should be generated at that place should belong to and be used for the purposes of the province of Ontario. The reference to Ile Royale being in the States, I dare say has been inserted in the Bill for the purpose of affording a flimsy argument in favour of it being for the general advantage of Canada. Upon the whole, I think day by day we will be met with very serious difficulties in the way of squaring our preaching of yesterday with our practice hereafter. The very first day after adopting that resolution, here is the position we are placed in. I think really we should have sufficient respect for ourselves to reject this Bill, after adopting that resolution yesterday, for it is evident that it is not for the general advantage of Canada—at least we have no proof of that—not the slightest attempt to prove any such proposition. That being the case, I think we should have sufficient respect for ourselves and for the solemn resolution we passed yesterday, to reject this Bill.

Hon. Mr. MACDONALD (B.C.)—I have heard questions of this kind discussed in the Railway Committee. I believe the committee passed on the Bill two days before the House affirmed the principle of provincial rights, and therefore the Bill is entitled to a great deal of consideration, because, in good faith, the Railway Committee passed the Bill, and between wind and water this Bill comes in. I should be in favour of voting for the Bill as one of the last measures of this kind. When the Bill comes before the committee again, they will not entertain it, if it interferes with provincial rights, but this case is so close that it deserves to be adopted by the House, as I think it was considered fully by the Railway Committee.

Hon. Mr. McMULLEN—This question of infringing upon provincial rights in the matter of legislation in this House and the other House, has been referred to almost every year since it has been my privilege to occupy a seat here. There has been a general contention that the central authority was, in many cases, legislating in the direction of doing work that virtually should be done in the local legislature. Yesterday we had a very unanimous expression of opinion with regard to this matter; but the question is, would it be right that we should draw the line at this particular Bill? I do not think it would. We have passed other Bills of this character. We have about finished the work of this session, and we are now virtually winding up all the Bills that have been introduced; they are now in their final stages. Would it be right, on the third reading of this Bill, on account of the very pronounced expression of opinion yesterday, that we should now draw the line and not pass any more Bills of this character? I think the expression of opinion yesterday was rather for the purpose of giving the people of Canada notice of the feeling of the Senate with regard to measures of this kind next year and the following years. We had better intimate—and we have done it in very plain terms—that the Senate will feel it is its duty to judge of every Bill in the light of the jurisdiction and the rights of the provinces. I think it is well that we should draw that line at the close of this session; but would it be right for us, after having passed several Bills of the same character, to draw the line now and throw out this Bill? I do not think so. My hon. friend from Marshfield appears to hold very distinct views with regard to this Bill. Why did he not express his views when the Bill was before us for second reading? That was the time to express his views clearly and determinedly.

Hon. Mr. FERGUSON—It was only yesterday we turned over the new leaf.

Hon. Mr. McMULLEN—The hon. gentleman never expressed one single word of opposition to this Bill on the second reading. We affirm the principle of a Bill on the second reading, if we do it at all. Why should we cut off its head on the third reading, simply because we pronounced as we did yesterday? I do not think it would be fair to the promoters of the measure. I hold as strong a view as any man in this House with regard to provincial rights, and I should be glad indeed if the Dominion government and several of the local governments got together and drew the line where legislation of this House should cease, and where provincial legislation should begin. I should like very much to have an understanding. If we do not do that, the first thing we know, some of those Bills will be subjected to legal criticism, and possibly reach the Supreme Court, and the Supreme Court may possibly hold that it was beyond the power of this House to pass the Bill, and may set it aside. I should prefer to see the question prudently and carefully adjusted between the local authorities and the Dominion authorities, but I say, in justice to those that have been interested in legislation this session, and in justice to the promoters who have had charge of the Bill now before the House, it is nothing but right that we should give it the third reading, and let us make up our minds that when we commence the business of next session, we will let the country know that we do not intend to trespass upon the rights of the provinces if we really understand what they are.

Hon. Mr. LANDRY—The argument used by my hon. friend from Wellington amuses me very much. He says that the vote given yesterday by this House will be considered by the country as a notice as to what we shall do in the future. If today, by our vote, we annul the vote of yesterday, what will the country think of the first vote? It will be superseded by the last vote, and what the hon. gentleman is going to do will wipe out of his record what he did yesterday, and he will appear before the eyes of the country, not as a decent sinner—but as the most unrepentant of sinners. I think it is time, when he wishes to take a stand before the country, to be consistent with the vote he gave yesterday, and if yesterday he voted for the resolution proposed by my hon. friend from Mille Isle, he is bound now to vote against the present Bill, because this Bill does not comply with those conditions that the motion recited. If not, what will his vote mean? What will his position be? How will his decision appear before the country? All of those things should be taken into account by my hon. friend, and if he feels that he can face the music in that way, I do not think that he should at all events be permitted to bring us to the same conclusion. We voted yesterday for a principle laid down in a formal resolution, and what was the principle? The principle propounded yesterday, which I think is binding on this House in the name of common sense and in the name of constitutionality, is as follows:

1. The Senate will insist upon the application of section 92 of the British North America Act, 1867, in accordance with the spirit and true intent of that section, to the end that the exclusive powers of the legislatures of the provinces of Canada may be protected and preserved.

My hon. friend has voted for that principle. What is he doing to-day? He is putting it aside, and he says: 'No, we will not look at the rights of the legislature of Ontario.' We voted for the principle of protecting provincial rights yesterday. Let that vote be forgotten altogether and we will destroy by our action to-day what was affirmed as a binding principle yesterday. That is the position taken by my hon. friend and no other position. The resolution of yesterday also provides that:

2. The Senate will not consider the mere insertion in a Bill of a declaration that a work is for the general advantage of Canada to be in itself sufficient foundation for the exercise of the legislative authority of the parliament of Canada.

What is that declaration? It is, in a few lines, the substance of what my hon. friend from Middlesex said yesterday. No hon. member in this House has, with more eloquence, defended the principle of provincial rights in supporting the resolution submitted by my hon. friend from Mille Isles than the hon. gentleman from Middlesex and, if I remember correctly, my hon. friend from Wel-

lington applauded these sentiments. He found what the hon. gentleman from Middlesex was saying was the expression of truth, of convenience, and of the law and the spirit of our constitution, and he applauded those declarations ; and now, by his vote, he wants them expunged from the records and that we shall stand once more against the rights and privileges of the provinces. The resolution says :

3. The Senate will not pass any Bill containing a declaration that a local work or undertaking is for the general advantage of Canada or for the advantage of two or more of the provinces, unless the truth of that declaration has been proved.

The hon. gentleman gave his vote yesterday in favour of that declaration. What is he going to do to-day ? Notwithstanding that he declared by his vote that the Senate will never accept a declaration of that kind without the proof to support it, he is now accepting it, he is now accepting that very declaration without any proof whatsoever ; more than that, he is accepting a declaration from the committee, amendments coming from the committee, which, as I said yesterday, and I repeat to-day, has no standing whatsoever and which has no existence according to law and according to the requirements of our regulations. But he has a reason that satisfies himself. He says the Supreme Court will decide. If we are going beyond the power given us by the constitution ; if we are invading provincial rights, what will be the consequence ? The consequence will be that this legislation will be void, ipso facto. The consequence will be that if any litigation arises after the Bill comes into force, and if the case is brought before the courts, the court will have to pronounce with the obligation if this legislation is intra vires, to declare it invalid. Is that the object of the work we do in the Senate ? Are we to rest upon the Supreme Court to declare that what we are doing is good or bad, and not ascertain for ourselves if we are acting within the limits of the constitution, or if we are going beyond its bounds ? I think it is our duty to convince ourselves whether we are doing right or wrong. But no, the hon. gentleman wants us to commit once more the sin for which he had so much repentance yesterday, and relies upon the Supreme Court to give us absolution. In what way ? By imposing on litigants all the expense and trouble of litigation before the courts. That is what will be the consequence of our acting here, if the principle advocated by my hon. friend should be considered a good one. Another argument which I say should not be adopted in this House is to accept the present legislation because a similar Bill was passed a year or two ago ; are we to be guided now by what we have done in the past, instead of by the rules of this House and the constitution of this country ? The hon. gentleman may think himself on the safe side, because we have done everything in the past, we have done constitutional things and we have committed acts that were not constitutional, which were outside of our power, but is the fact that we exceeded our jurisdiction in the past a reason that we should repeat such acts to-day ? Is that a precedent that should have force in this Chamber ? To cite the proposition laid down by my hon. friend is sufficient, I think, to show why it should not be accepted in this House, because it is simply against common sense. We have heard that the Minister of Justice has given his opinion. On what has he given an opinion, and why should not that valuable paper called the opinion of the Minister of Justice be laid before us ? Why should the hon. gentleman who took so great interest in the passing of this Bill run away from his duties and take away with him that valuable document ? What was the report of the Minister of Justice ? On what did it rest ? What was the consideration brought forward by the Minister of Justice ? We know nothing of that. That document is not before this House, and I am amazed to hear my hon. friend make it one of his principal arguments, that the Minister of Justice had given his opinion. There is another way to get an opinion. We have in our regulations, if my memory serves me well, a clause which permits this House to refer to the Supreme Court all Bills of that nature, and to ask the opinion of the Supreme Court before we go any further ? And why ? My hon. friend from Wellington wants the decision of the courts to be given at the expense of the litigating parties. Why should we not refer the Bill to the Supreme Court and ask the

opinion of the Supreme Court on that kind of legislation? I would prefer their opinion to an opinion that I cannot see, an opinion that has now gone to Toronto, in the pocket of an hon. gentleman from that city. I should prefer having from the Supreme Court a definite opinion on this question, and it would do us more credit to follow such a course than to accept the bald statement that the Minister of Justice has given his opinion. Did he say that this Bill was in conformity with the notice given in the papers? He could not have said that, because it would not be according to the facts. We know that the notices were published. We have them in our possession. They were published in the 'Canada Gazette' and in the local papers in different places in which that company wishes to operate, and these notices show that the Bill now before us is not covered by them. The Bill asks for certain things that were never mentioned in the notices, and I will convince this honourable House on that point in a few minutes. This notice was dated at Ottawa on the 6th of December, 1906, and was given, I think, in the 'Canada Gazette' on the 8th of December, 1906; in the 'Herald,' of Port Arthur on the 5th of January and in the 'Chronicle,' of Port Arthur on the 6th of December. The notice reads as follows:

Notice is hereby given that application will be made to the parliament of Canada at the present session thereof, for an Act to incorporate the Port Arthur Power and Development Company, with power to acquire, own, use and operate the water-power or powers now or hereafter existing at a point or points on (1) The Nepigon river, (2) The Black Sturgeon river, and (3) The Pigeon river in the district of Thunder bay, in the province of Ontario, and construct, develop, operate, and maintain works, canals, raceways, watercourses, dams, piers, booms, dykes, sluices, conduits and buildings in connection with said power, including any increase of the said power on any or all of said rivers, by storage or other works on waters tributary to or all of said rivers to be used for the purpose of developing electrical and hydraulic power; and for the purpose of building, constructing, equipping, maintaining and operating electrical and hydraulic works to be erected on the land adjacent to the said river or waters or any of them necessary for the production of hydraulic and electrical energy in the production of light, heat and power for sale and distribution; and for power to construct, maintain and operate transmission lines of wire, poles, tunnels, conduits or other means as may be decided on for the purpose of transmitting electrical energy and power so produced to such point or points in the district of Thunder bay, and with the right to enter into contracts for the disposal of such power so produced or transmitted at such prices and in such manner as may be agreed on, with power to take and use water for the said works and other purposes, and to acquire by purchase, or otherwise, lands for the purpose of the company, and with all other powers and rights incidental, necessary or useful in the said undertaking; to exercise all rights of expropriation as are granted by the Railway Act, 1903, and that the said works be declared to be for the general advantage of Canada.

ALBERT E. HONEYWELL,
51 Sparks street, Ottawa.

As hon. gentlemen will see by the notice, all the operations are limited to the district of Thunder bay. Now what does the Bill say? Clause 8 of the Bill reads as follows:

8. The company may—

(a) construct, acquire, use, maintain and operate canals, watercourses, raceways and water-powers at any point on the Pigeon river, the Nipigon river and the Black Sturgeon river, in the district of Thunder bay, in the province of Ontario;

(b) at such point on each of the said rivers as may be selected, construct dams, wing-dams, storage areas, sluices, conduits and buildings in connection therewith, and all other works necessary for the company's undertaking;

(c) acquire lands and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric and other power and energy;

(d) utilize water, heat, steam, generated or natural gas for the purpose of creating power, heat, light, compressed air, or other force; and may acquire all rights necessary for the purposes mentioned in this paragraph.

Then clause 9 of the Bill reads as follows:

9. The company may supply water by hydraulic, electric, water or other power, for use for any purpose by means of cables, machinery or other appliances, and at such rates and upon such conditions as are agreed upon, and may construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of light, heat and power; and construct, maintain and operate intakes, tunnels, conduits and other works in the manner and to the extent required for the purposes of the company; and conduct, store, sell and supply electricity and pneumatic power, and with such pneumatic, electric or such other conductors or devices, conduct, convey, furnish or receive such electricity or power.

You will see that the company in this clause asks for more power than is covered by the notice. But where the company comes altogether outside of the territory covered by the notice is in the following clause:

10. The company may erect poles, construct trenches or conduits, and do all other things necessary for the transmission of power, heat or light in the district of Thunder bay and to

and in Ile Royale, in the United States of America.

The words 'Ile Royale' were probably put in the Bill to bring it within the jurisdiction of the Dominion parliament. Now, this is not covered by the notice. Was the attention of the Minister of Justice called to that clause of the Bill and did he declare that it was in conformity with the notice to the public? I say this clause should never have been in the Bill, and the duty of the committee was to strike it out, but instead of doing so the committee add to it 'in the United States of America,' so as to make it more clear to every hon. member of this Senate that this work is to be of an international character, and, therefore, that it becomes ipso facto a work for the general advantage of Canada. This is done by setting aside the notice and introducing a clause which brings the Bill under the jurisdiction of this parliament. But yesterday we passed a resolution declaring that it must be proved that a work is really for the advantage of Canada before it is so declared in a Bill, or if it is so declared in a Bill the declaration must by supported by proof which will convince the House that the legislation is within the jurisdiction of this parliament. Where is the proof? I contend that this clause has been added merely to bring the Bill within our jurisdiction, and that it has been done by disregarding our regulations and in violation of the law. The hon. gentleman who has just taken his seat says all these objections should have been raised at the second reading of the Bill. I do not agree with him. The second reading of a private Bill does not necessarily affirm the principle of it. I know that as a general rule the second reading of a public Bill does affirm the principle, but the second reading of a private Bill is given only to allow a Bill to be referred to a committee, where its details and the principle may be discussed, and the principle of the Bill is really accepted by the House at the third reading after the consideration of the amendments made in committee. It is then the proper time to sanction the principle, on the third reading when the Bill has reached its final form. All those private Bills are based upon facts that must necessarily be proven in committee, and it is when those facts are accepted by the committee that the preamble of the Bill is adopted. That is why we are not committed to the principle of a private Bill when it comes before the House for the second reading. So I do not think the hon. gentleman is right in claiming that we are now bound to accept the Bill because we allowed it to be read the second time. Even though we had accepted the principle at the second reading we are not finally committed; if that were the case there would be no necessity for a third reading. A member may accept the principle of a Bill on the condition that certain improvements could be made to it in committee. He may believe that objectionable features will be removed from a Bill in committee, and if that should be done he would agree to its passing. When the third reading comes, the principle of the Bill is again involved, and those who accepted the principle conditionally at the second reading if there is anything objectionable in it, may vote against it not only on a question of detail but on the principle. Every author who treats on public and private Bills admits that the principle of a Bill may be once more discussed on the third reading. That is really the ground that one hon. gentleman took when he said we ought not to discuss the principle of the Bill on this motion to concur in the amendments, but that we should reserve to ourselves that right until the third reading, when we could discuss anew the principle of the Bill itself. On that ground I think my hon. friend from Wellington was not justified in reproaching those who oppose the Bill now with having failed to do so at the second reading. I should reserve my further remarks until the third reading. In the meantime I hope that the Senate will not concur in these amendments. Some of the amendments are worse than the Bill itself. Some of the amendments which protect the rights of the municipal authorities are valuable, but others of them are not acceptable, and for that reason I cannot concur in the amendments. I am opposed to the Bill itself. I think it is one which is entirely within the jurisdiction of the local legislature. Therefore, if I accept amendments of any kind I am accepting the principle of the Bill. If I think the

Bill should not pass, why try to amend it? The first thing, to my mind, to be settled is whether we have jurisdiction, and if we have not jurisdiction, we should not try to make the Bill better. I should therefore vote against the motion.

Hon. Mr. WATSON—It is very hard to understand the conclusions of the hon. gentleman. He says in his closing remarks that the amendments are worse than the Bill.

Hon. Mr. LANDRY—Some of them.

Hon. Mr. WATSON—What are the amendments? The hon. gentleman lectures the members of this House with regard to their duty as legislators, after the foolish vote of yesterday afternoon, when we asserted our loyalty to the constitution. It was an absurd vote.

Hon. Mr. LANDRY—If it was absurd, why did the hon. gentleman vote for it?

Hon. Mr. WATSON—I think it was absurd to assert our loyalty to the constitution when every member of the Senate has sworn to be loyal to the constitution. We had, two years ago, a similar Bill to this before us, a Bill for the development of power on the Rainy river. No serious objection was taken at that time to this House dealing with the Bill. As a matter of fact, we restricted the power that the province of Ontario had given to that company to transmit electricity to the United States. We took greater care of the interests of the people of Ontario in the Bill which was discussed in this House than the Ontario legislature had taken. The province of Ontario sent a representative here on that occasion, and he complimented the Senate on the provisions that we incorporated in that Bill. I contend that this Bill is entirely within the jurisdiction of this House; that the province of Ontario could not possibly pass a Bill that would be effective in this case any more than they could in the case of the Rainy River Company, because it contemplates the development of a water-power on an international stream. Hon. gentlemen must know that the province of Ontario could not give power necessary for such a work.

Hon. Mr. LANDRY—It is to be in the district of Thunder bay.

Hon. Mr. WATSON—The water-power is on the Pigeon river, which is in Thunder bay district. The hon. gentleman says that 'The district of Thunder bay' is not proper notice. The hon. gentleman must know that Thunder bay is a very large territory, and covers all that part of Ontario in which these works are to be located.

Hon. Mr. LANDRY—Does it cover all Ontario?

Hon. Mr. WATSON—No, but it does cover the territory where the Pigeon river is.

Hon. Mr. LANDRY—No.

Hon. Mr. WATSON—The hon. gentleman says no; I say yes. I know where Thunder bay is, and where the Pigeon river empties into the lake. The district of Thunder bay is well known.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell us how far it is from Port Arthur to Pigeon river?

Hon. Mr. WATSON—I should judge by the map, that it is fifty or sixty miles.

Hon. Sir MACKENZIE BOWELL—More than that.

Hon. Mr. LANDRY—The hon. gentleman said he knew all about the district of Thunder bay, but he does not know that.

Hon. Mr. WATSON—I do know all the territory in that part of the country known as the Thunder bay district, and I know that the hon. gentleman had little or no ground of complaint about the notice that was given to the public. The Standing Orders Committee have been very careful in passing on notices. That notice was approved of some time ago. No exception was taken, and the validity of the notice was accepted by the Railway Committee.

Hon. M. LANDRY—What about Ile Royale?

Hon. Mr. WATSON—That is United States territory. The hon. gentleman finds fault with the Bill because it provides that the company can erect poles, &c., in Ile Royale. He says that is not in the notice. This House has no jurisdiction over that, but they have put the provision in the Bill to enable the company to spend money in Ile Royale. They could not take it out of this country and spend it in

the United States without authority from parliament. We passed legislation last session incorporating a company to do certain work in Mexico, and it contained an enabling clause, of course, to erect poles in Mexico. The hon. gentleman will not say that we have jurisdiction in Mexico, more than we have in Ile Royale, still no objection was taken to that Bill, and I do not suppose that they have given any notice in Mexico that they are getting power here to erect poles in that country. Some three or four Bills of that character were passed here last sesison without opposition. There can be no question of this company being within its rights in coming to parliament, because Pigeon river is on the international boundary, and they could not get power from the province of Ontario to develop power on that river. They refer to Ile Royale because they purpose conveying power to that island. It is not regular to state what took place in committee, but I may be permitted to say that we had another representative of the Ontario government present at the meeting of the committee when this Bill was under consideration, and he stated——

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to refer to what took place in committee.

Hon. Mr. WATSON—I know I am out of order. I admit that.

Hon. Mr. LANDRY—If the hon. gentleman is out of order, he should not violate the rules.

Hon. Mr. WATSON—Well, I will not mention the committee, but I heard the representative of the Ontario government make a statement that this Bill proposed to convey that power to Ile Royale——

Hon. Mr. LANDRY—I rise to a point of order.

Hon. Mr. WATSON—I am not referring to what took place in the committee.

Hon. Mr. LANDRY—My point of order is this, that the hon. gentleman has no right to state what took place in the committee. He says that he is not speaking of the committee, but he has no right directly or indirectly to state what took place in the committee.

Hon. Mr. WATSON—I am not going to refer to the committee at all. I may say that a gentleman who came here representing the Ontario government said in my presence that he believed if this company bona fide intended to transmit a portion of that power developed in Canada to Ile Royale, the Bill was within the jurisdiction of this parliament.

Hon. Mr. LANDRY—Where did he say that ?

Hon. Mr. WATSON—The hon. gentleman is inquisitive, but I do not intend to tell him.

Hon. Mr. LANDRY—Until he tells me where, I cannot accept the hon. gentleman's statement.

Hon. Mr. YOUNG—The hon. gentleman must accept it.

Hon. Mr. WATSON—Of course, if the hon. gentleman wants to inquire into my private doings, he can put another notice on the order paper. It might have been in a private car. The hon. gentleman says that some of the amendments are worse than the Bill itself. I think the changes made are all in the right direction. For instance, in the original Bill it says : 'in the adjacent waters to Pigeon river.' The Bill limits them to any point on the Pigeon river, not on the waters tributary to Pigeon river. They are not given a roving commission as they had it before. For Ile Royale is substituted as a certain point. These are not bad clauses. Then the other clauses are put in for the purpose of guarding the public interest. The hon. senator from Halifax read them to-day, and they are all in the right direction. The hon. gentleman from Hastings admits that they make the Bill much better than it was before. He opposes the Bill because he thinks it is legislation which is within the jurisdiction of the province of Ontario. He does not claim for a moment that the provisions of the Bill are not right ; but he must remember that two years ago when the Rainy River Bill was before this House, the representative of the Ontario government admitted that this parliament had jurisdiction in that case. That admission was made by their solicitor here, and Mr.

Whitney, the Premier of Ontario, told us we were doing well to make those changes in that Bill restricting the powers given the company by the province of Ontario. We adopted a principle at that time that any power required for the purpose of developing an industry in Canada should be retained in Canada. We inserted a clause in that Bill, and we have it in this Bill, that the people of Canada at all times can have power in preference to having it transmitted to the United States. In view of the fact that this Bill deals with an international waterway, and that two years ago it was admitted such legislation is within our jurisdiction, we should support the Bill.

The motion was agreed to on a division.

Hon. Mr. YOUNG—In accordance with the notice which appears on the orders to-day, I move that rule 24 be suspended in so far as it relates to this Bill. The House will agree that it is only fair to the promoters, since it originates in the Senate, that it should be passed with as little delay as possible. Its passage in the other House will be jeopardized if it is delayed here, and I have given this notice in order that the third reading may take place at an earlier date than it otherwise would.

Hon. Sir MACKENZE BOWELL—This system of moving the suspension of the rules in order to facilitate the passage of Bills, whether opposed or not, is, to my mind, highly objectionable. We have been in the habit, unfortunately, in the past of suspending the rules to facilitate the passage of such Bills, but I do not think my hon. friend should press his motion. I know it is done repeatedly, with the result that many important Bills have passed through the House without the consideration they deserve. He very often takes advantage of his long parliamentary experience and knowledge of the rules to push objectionable measures through, when some of his confreres by whom he is surrounded would forget all about them. When we come to the third reading I will refer to the hon. gentleman and some of the arguments which he has advanced. I should not do so on this motion because I do not think they would be relevant. I hope my hon. friend will not press the motion. If he does, I shall take some little time to discuss it.

Hon. Mr. YOUNG—The discussion this afternoon has been irregular, because the amendments only were open to consideration. But I took it for granted that a broad discussion would possibly save further discussion on the third reading, and, therefore, took no objection to it on that account. From the suggestion which my hon. friend has made just now, I see that I cast my pearls in the wrong place. The hon. gentleman has asked me to defer making this motion. I must confess he has softened me to a great extent, because he is always courteous to this side of the House, and to myself especially, and in deference to him I shall drop the motion of which I have given notice and move that the Bill be set down for third reading to-morrow, when I trust that I shall get the assistance of my hon. friends opposite to have it passed.

Hon. Sir MACKENZIE BOWELL—I hope I shall be able ere long to reciprocate the courtesy.

The motion was withdrawn, and the Bill was fixed for third reading to-morrow.

The Senate adjourned until to-morrow at three p.m.

## SENATE.

OTTAWA, Thursday, April 18, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### MUTUAL RESERVE LIFE INSURANCE COMPANY POLICY-HOLDERS BILL WITHDRAWN.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (SS) An Act to amend an Act respecting the Canadian Assessment Policyholders in the Mutual Reserve Life Insurance Company, recommending that the promoters be permitted to withdraw the Bill.

Hon. Mr. LANDRY—Before permission is given to receive that report, I do not know if I am in order in asking what the hon. gentleman has just presented to the House

is really a report from the Committeee on Banking and Commerce.

Hon. Sir GEORGE DRUMMOND—I should like the report to be read, and then the hon. gentleman will see the reason.

The SPEAKER—This is the report of the Committee on Banking and Commerce.

Hon. Mr. LANDRY—I raise the point of order that the Committee on Banking and Commerce is no more in existence. The time for presentation of reports expired on the third of April, and no extension has been granted, so that the Committee on Banking and Commerce has no right to make any report.

Hon. Sir GEORGE DRUMMOND—The reasons are set forth in the written report, and I propose to supplement them when it has been read.

The SPEAKER—The point of order is raised against this report as a report from the Committee on Banking and Commerce, because the time to make reports expired on the third of April inst.

Hon. Mr. DOMVILLE—I think I might be permitted to adduce some reasons why the report should be received. Perhaps the rule or order may be all right. I have no doubt it is; still, where the public interests are concerned, it is expedient at times that there should be a good deal of give and take, and perhaps I might give such a reason as would induce my hon. friend to withdraw his protest. If not, of course, I will not succeed.

Hon. Mr. LANDRY—I am afraid if I withdraw my protest I might be afterwards ruled out of order as taking my point too late, so that I prefer taking it in good time.

Hon. Mr. DOMVILLE—I am trying to show why my hon. friend should withdraw his protest. I introduced this Bill as a public measure. It certainly should not have gone to the Banking and Commerce Committee. Still it went there, and I found no objection. It is a committee we all have confidence in, and I do not see why it should not go there ; but at that committee I was induced to withdraw the Bill, and I want to put myself straight with the public at large, for I do not want it said afterwards that the Mutual Reserve had been after me with twenty thousand dollars to quash the Bill. I think my hon. friend will see the absolute necessity of allowing this one report to pass. I stated there that the chairman of the committee thought perhaps it would serve the interest of the public as well if, having discussed the matter to some extent, we allowed the matter to stand over until next session as the government propose to bring down a Bill dealing with the subject of insurance, and perhaps what I sought to achieve by this Bill might be accomplished in the government Bill. That is the main reason why I ask to withdraw the measure. I brought the matter to the attention of the House, the government and the country, and I only ask that the money deposited with the government to secure policy-holders in Canada should not be allowed to be withdrawn under any circumstances until all claims are satisfied. I made the statement that the Bill never would have passed here had it not been endorsed by the insurance inspector. Mr. Fitzgerald denied in committee that his name was on the Bill, but on turning up the Senate Debates of July 13th, 1904, page 691, I find the following :

> Hon. Mr. LANDRY—I understand that all these things could be properly said in the House—that the Bill had been referred to a sub-committee and examined by Mr. Fitzgerald, Mr. Bradshaw and Mr. Eldridge, but what appears to me as being singular and without precedent, is the fact that this Bill is put before the country with that endorsement.
>
> Hon. Mr. DANDURAND—Perhaps the Bill thus printed is a report to the Committee on Banking and Commerce, and not for this House, because I understand this is not the Bill as reported to-day.
>
> Hon. Mr. LANDRY—I hope the hon. gentleman is right. I hope the Bill will not come before this House with that endorsation. It is either a public Bill or a private Bill, and in either case we do not want on it the endorsation of Messrs. Fitzgerald, Bradshaw and Eldridge. I protest against it, if this is the final form in which the Bill is to appear.

I was led to believe that the Bill was all we expected it to be; but it does not go quite far enough, I bow to the wisdom of the committee, that it would be better to let matters stand until next year and then make provision for the security of the Canadian policy-holders. I have given my reason why my hon. friend should allow this report to pass in justice to

myself and to those whose rights I desire to protect.

Hon. Mr. LANDRY—If it was a personal question between my hon. friend and myself, I would yield to his wishes, but it is not a personal matter. Here is a report from the Committee on Banking and Commerce, a report which that committee has no longer a right to make, as it is submitted to the Senate after the date fixed by the House when reports on private Bills could be received.

The SPEAKER—The point of order is well taken. A standing committee can make no report on a Bill after the date decided upon by the Senate for such report.

Hon. Mr. MACDONALD (B.C.)—I suppose the proper way now it to ask leave of the House.

The SPEAKER—There is a motion on the paper for that purpose now.

Hon. Mr. YOUNG moved:

That rule 110 be suspended to the end of the session in so far as it relates to the report of any standing or special committee on a private Bill, and that leave be given the said committee to sit and report from time to time to the end of the session.

Hon. Mr. LANRDY—The hon. gentleman wishes to suspend the following part of rule 110 :

Nor may any report of any standing or special committee upon a private Bill be received after the first six weeks of each session.

Hon. Mr. YOUNG—Yes.

Hon. Mr. LANDRY—That is not the proper way to proceed. The committee should be revived, or better, the Committee on Standing Orders which is still in existence should report asking the House directly for a suspension of the rule. There is no urgency in the matter. It is better to have a report from the Standing Orders Committee recommending an extension of time to the end of the session or to some specified date. But, after all, why should we, at this time of the session, grant a further extension of time. In the House of Commons last year, when a similar motion was made by a member, the premier refused to allow any extension of time in the last days of the session. Our rules are made for the purpose of informing the public of the conditions for private Bills, and when private Bills may be introduced and referred to committees, and no reason has been given why our rules should be suspended. The proper way is to let the Committee on Standing Orders itself make a report in that direction.

Hon. Mr. FERGUSON—We will make a serious mistake if we adopt this motion. This year we have had a large number of private Bills introduced in this House. Every senator ought to encourage that state of things, because it is calculated to take away the reflection that has been levelled against the Senate on many occasions, that we have not originated any considerable number of measures, and in that way our usefulness has been disparaged before the country. I had an opportunity of hearing a discussion elsewhere on this subject, and complaint was made about so many Bills originating in the Senate being sent to the House of Commons at a very late stage of the session, leading to a lot of work for their committees at a time when they are clearing up their own work. It is the experience coming home to them of the difficulty we have always had in the Senate in the past. I thought we should welcome the change, which is a most desirable one, and I was glad to find gentlemen speaking elsewhere on the subject regarding it in the very same light. But if we suspend our rules and allow these reports to come in up to the very last day, it will create a state of congestion in the other branch of parliament that may probably lead to this happy result of so many private Bills coming to us being discontinued in another session of parliament. If we adopt this motion we should take care it shall not apply to Bills originating in this House. We might amend my hon. friend's motion, so that it would only apply to Bills coming from the other branch. We should consider whether by encouraging the presentation of reports on Bills right up to the close of the session, we are not giving rise to an argument which might be used everywhere against these Bills coming before us in the first instance.

Hon. Mr. YOUNG—When I gave notice of the motion yesterday, it was for the purpose of curing a technicality in our procedure which was very necessary, as

I think we will all admit. The time for presenting reports on private Bills had expired, through an inadvertence, and it was merely to cure that, but the argument my hon. friend from Marshfield offers to the House, that if we extend the time for receiving petitions we will be congesting the other branch of parliament by work coming in at a late date, does not appeal to me, for this reason: This House has within its own right and power authority to refuse the second reading of a Bill. It has a right to refuse the procedure which is required before it is sent to a committee, and if in the judgment of the House we are getting too much to do—I do not think my hon. friend will argue that—and if it is thought desirable to kill a Bill, so as not to congest the work in the other chamber, the Bill will be here on trial, and if the hon. gentleman will pause for a moment, he will see that the doorway which allows private legislation to be introduced, has been closed some time ago by cutting off the right to present petitions, and that is the doorway through which private legislation is introduced. Therefore, we have it absolutely under our control to receive a petition or not receive it later on after the time has expired, which time expired some few weeks ago. In presenting the motion, I do it simply to carry on the work ordered by the House, if there should be any. The committee do not report on a Bill unless the House has referred a Bill to them, and Rule 125 says that if a private Bill is referred to a committee, they must report back, so that it is merely to cure what is obviously a technicality in the working of the machinery of the House, and the suggestion of the hon. gentleman from Stadacona is that it would be better if the Standing Orders Committee had met and recommended it. I desire to call his attention to the fact that if the Standing Orders Committee had the power to recommend an extension of time, I am not so sure that it is not a matter for the House to deal with directly, when the time has expired, as in this case. At any rate, as you see today, a committee has reported, and the objection was taken to the report being out of order, inasmuch as the time had expired. It must appeal to hon. gentlemen that if there is any virtue in passing this rule, that it should be passed at as early a period as possible, so that the machinery of the House would proceed in its regular way. It was through an oversight and inadvertence that the time had expired, and it should have been rectified in the shortest time possible. No harm can arise by the extension of the time for presenting the reports, because if the House had no desire for a report, they should not send a Bill to the committee. That is the position I take. I have no interest in the matter other than to facilitate the work of the House. The matter is in the hands of the House.

Hon. Mr. FERGUSON—Nobody disputes what the hon. gentleman says. He has spent considerable time elaborating the idea that the House had the right to do so and so, and suspend the rule. But in our wisdom we made a rule, and why? To prevent the practice of private Bills coming in late, not only taking up the time of this House when it had other important matters to deal with, but being sent late to the other branch of parliament. Having made the rule, I would ask with all deference, what common sense is there now in extending the time for receiving reports to the end of the session? If this is so eminently the very thing that ought to be done, why should we have the rule at all? Let me say that one of the oldest members of the House of Commons discussed this question the other day, and he suggested in consequence of measures coming from this House so late, that joint action should be had between the two branches in order to provide that the date for the reception of private Bills and passing them from one House to the other should be absolutely fixed, so as to prevent the congestion of work in either branch of parliament towards the end of the session. It was incidentally alleged—although I do not know whether it is true or not—that our rule admitted of Bills coming in much later than the House of Commons rule did. In the face of that circumstance, if we pass this motion, sweeping the rule to one side altogether, we had better have no such rule at all.

Hon. Mr. BEIQUE—I do not propose to offer any serious objection to the course adopted by my hon. friend from Killarney,

but I do think that the better practice would be to suspend the rule only for special Bills. We have a rule in virtue of which the action of committees is suspended after a given time, and it seems to me not to be very logical to revise it indiscriminately at the end of the session. I have noticed that this practice has been followed in other sessions, and it always struck me as being a practice which should be abandoned as soon as possible. I think these reports from this committee are made by way of exception, and it should be applied only as occasion offers, but not open the door to bring in a number of petitions or Bills at the end of the session. I would therefore suggest to my hon. friend to amend his motion to make it apply only to the Bill which he has in view. He may renew the same motion for other Bills.

Hon. Mr. POWER—That is a roundabout way.

Hon. Mr. YOUNG—Permit me to ask a question. Suppose his idea is carried out, and limit my motion to the report of the committee which sat to-day, what position would we be in when Bills come over from the House of Commons, which, in the natural course of the work of the House should be the case as far as the session would permit? Shall we place every Bill regardless of its merits, at the mercy of a vote of this House?

Hon. Mr. BEIQUE—With regard to Bills coming from the other House, they stand on another footing altogether. In regard to them, the extension should be made for good, and our rule should not apply to them.

Hon. Mr. LANDRY—I call attention to the practice that is followed in the House of Commons when things of that kind occur. At page 758, Bourinot says:

> In the session of 1880-81 the time for the reception of reports on private Bills in the Commons lapsed accidentally, and it was not competent for the Standing Orders Committee to recommend an extension of time.

So much for the House of Commons, but here the question rises, is not the Standing Orders Committee in this House yet competent to grant an extension of time? Bourinot proceeds:

> It was then considered necessary to give formal notice of a motion to revive the committee. The Standing Orders Committee then met and made a report to extend that time for petitions as soon as the House had agreed to the above motion.

Well, either one of the two things. Our Standing Orders Committee has the right to extend the time or it has not.

Hon. Mr. YOUNG—I would gather from that authority that we had not the right to recommend any extension of the time.

Hon. Mr. LANDRY—We have a right to recommend the extension of time.

Hon. Mr. YOUNG—Yes, we have passed that stage.

Hon. Mr. LANDRY—The time has expired, but what is being discussed to-day is a further extension as directed by this House.

Hon. Mr. YOUNG—No, a revival of the time. The time has expired and now we wish to revive—a different proposition.

Hon. Mr. LANDRY—If it is a revival, the motion does not say so. Does it refer to all committees?

Hon. Mr. YOUNG—Committees on private Bills.

Hon. Mr. LANDRY—That is equivalent to an extension of time, and the latter part of the motion of my hon. friend is a formal demand for an extension of time. So, I contend, it should come from the Standing Orders Committee itself, if that committee is still in existence, and my own opinion is that it is, because this applies only to committees that were dealing with private Bills.

Hon. Mr. BEIQUE—They are in existence.

Hon. Mr. LANDRY—My hon. friend is confusing the Standing Orders Committee with the Private Bills Committee, and the Banking and Commerce Committee, and the Committee on Railways, Telegraphs and Harbours. These are extinct. They cannot make a report. What is the use of a committee that cannot report, and for that reason are extinct? If we want to do something we must revive those committees, and when they are revived we will have from the Standing Orders Committee a report to

extend the time for petitions or the reception of reports. That is what was done in the House of Commons in 1881, and I submit it as a precedent.

Hon. Mr. POWER—There is some question evidently, as I gather from the case in the House of Commons, which the hon. gentleman for Stadacona has referred to, but there is no question at all as to the rights of this House to take the course which it considers best adapted for carrying on its own business. The companies which are dealt with by the Private Bills Committee are sometimes very important companies. I have no doubt the company reported on now by the Banking and Commerce Committee is one of very considerable importance, and I do not see why we should put unnecessary difficulties or obstacles in the way of dealing with that report. The House can make any order it pleases with respect to these Bills, and it is very doubtful whether the Standing Orders Committee can take any action. The House can take the action, and the better way is that the body which has the power should take the action. Certainly, there is no question about the power of the House.

The SPEAKER—I have noticed that the practice has been in this House for the Standing Orders Committee to make the necessary recommendations to this House as to the time within which petitions should be received and reports made by the committees, but the practice has not been so uniform in the other House, which has received such recommendations from other committees than the Standing Orders Committee, from the Committee on Railways, Telegraphs and Harbours, and from the Private Bills Committee, and that House has itself ordered committees to proceed, and has revived the committees. At page 784, Bourinot says :

> When a committee cannot meet for want of a quorum, the attention of the House may be called to the fact and its interposition invoked. In such case the House will order : that the committee be revived and that leave be given to sit and proceed on a certain day.

I feel that the present motion is sufficient to empower the committees to sit, but of course it is for the Senate to decide if this motion be granted, or if by an amendment it should be sent to the Standing Orders Committee. I take it for granted that before sending that motion to the Standing Orders Committee that that committee would have to be revived. I will read the decision which was mentioned by the hon. gentleman from Stadacona, and which seems to indicate that the time having lapsed, that committee could not report.

> In the session of 1880-81 the time for the reception of reports of private Bills lapsed accidentally, and it was not competent for the Standing Orders Committee to recommend an extension of time. It was then considered necessary to give formal notice of a motion to revive the committee. The Standing Orders Committee then met and made a report to extend the time for petitions as soon as the House had agreed to the above motion.

I have considerable doubt as to this precedent being correct in using the word 'revive,' because I think that the standing committee is for the whole session, and it is for the House to decide as to its procedure, and as to the time at which it would receive reports.

Hon. Mr. FERGUSON—I wish to raise another point——

Hon. Mr. POWER—I rise to a point of order.

Hon. Mr. FERGUSON—I am rising to a point of order. My hon. friend is ready whenever I rise, to raise a point of order.

Hon. Mr. POWER—The hon. gentleman is too late, the question having been put from the chair.

Hon. Mr. FERGUSON—No, the motion had not been put. The hon. Speaker had decided one point of order. I may not be upheld in the point of order I propose to raise, but I am certainly entitled to raise it at this stage.

The SPEAKER—The hon. gentleman may proceed.

Hon. Mr. FERGUSON—The point of order is that this is not an ordinary suspension of the rules. It is making a new standing order for the rest of the session. We declare that for the rest of this session the standing order shall be different from what it is now. If it were merely relating to one Bill, it would be all right ; but as you propose to change the standing order for the balance of the session, you require to have a difference in the notice.

Hon. Mr. YOUNG—My hon. friend cannot be sincere in that.

Hon. Mr. FERGUSON—I am quite serious.

Hon. Mr. POWER—It is quite competent for the leader of the House to move that the standing orders be suspended for the balance of the session. It is done nearly every session.

The SPEAKER—I had occasion to examine this point yesterday, and I found that in many instances the House of Commons had adopted such motions at the end of the session, that the committee should be empowered to report till the end of the session.

Hon. Mr. YOUNG—It is not a new departure.

The motion was agreed to.

## REFUNDING OF FEES.

Hon. Mr. YOUNG—I should like to move that the fees paid in connection with the Canal Bill, which has been withdrawn, may be refunded, less the cost of printing.

Hon. Sir MACKENZIE BOWELL—Is that in accordance with the recommendation of the committee ?

Hon. Mr. YOUNG—Yes.

Hon. Sir MACKENZIE BOWELL—When the report of the committee recommending that the fee be refunded, less the cost of printing and translation, has been presented to and adopted by this House, there is no necessity for another motion.

Hon. Mr. YOUNG—We have a double-barrelled practice in that respect. I am quite content to rest the matter as the hon. gentleman has suggested if the clerk of the House considers that sufficient authority to adjust the financial part.

The SPEAKER—I would be of opinion that concurrence in the report by the Senate would be sufficient justification for the clerk to pay the money.

## ERIE ONTARIO POWER COMPANY BILL.

### THIRD READING.

Hon. Mr. POWER moved the third reading of Bill (YY) An Act respecting the Erie Ontario Power Company.

Hon. Mr. FERGUSON—Does this Bill contain the clause for the general advantage of Canada ?

Hon. Mr. McHUGH—I gave notice of an amendment, which, with the consent and approval of all the parties interested, I should like to withdraw. I want to substitute for it an amendment to provide that the works of the company shall not in any way interfere with or diminish the powers and privileges of the Jordan-Erie Power Company without their consent.

Hon. Mr. POWER—On behalf of the promoters I have no objection to adopt the amendment.

The amendment, in substitution for the one of which notice was given, was agreed to.

Hon. Mr. FERGUSON—I was asking a question when my hon. friend moved his amendment. I find, on reference to the Bill, that it is to amend an Act which was passed in a former session, and I suppose we are at liberty to finish up and make perfect the charters we have already granted. I suppose our solemn declaration of two days ago refers to new measures ?

The Bill was read the third time and passed.

## PORT ARTHUR POWER AND DEVELOPMENT COMPANY BILL.

### THIRD READING.

Hon. Mr. ELLIS moved the third reading of Bill (WW) An Act to incorporate the Port Arthur Power and Development Company.

Hon. Sir MACKENZIE BOWELL—I intimated yesterday when this question was under discussion that I purposed discussing it further and dividing the House on the question. On reflection, I have decided not to divide the House, but I wish to reply to some remarks which fell from those who support the Bill. The hon. member from Halifax devoted some little time to discussing the details of the Bill and the amendments which had been made to it by the committee, to which the House I think made no objection, except the one extending the line to Ile Royale. The same course was pursued by the hon. gentleman from Portage la Prairie. Neither of them

to any extent discussed the principle involved in the Bill, of interference with provincial rights. I have no dispute with either of the hon. gentlemen on any of the points which they discussed at some length; my objection was simply on the broad question of provincial rights. Several hon. gentlemen who, in the past, have been ardent advocates of the rights of the provinces, and who affirmed the resolutions passed a couple of days ago upon that question, stated that having erred in this respect so long they thought they had better not stop now; but intimated their intention to take a stand at some future period. Something was said both by the hon. senator from Wellington and the hon. senator from Portage la Prairie which I had not heard before, but which I am informed was quite correct; that when this Bill passed the committee it was understood that it was to be a final step in this sort of legislation. That may have been the case with some of those who supported the Bill, though opposed to the principle involved in it. An arrangement of that kind, it seems to me, affecting legislation, is scarcely admissible as an argument for supporting a Bill. A number of gentlemen, from their utterances yesterday, who voted for the resolutions of the hon. senator from Mille Isles, seconded with an unanswerable speech by the hon. senator from Middlesex, will nevertheless vote in favour of this Bill if a division is taken upon it. There are many politicians who are guided to a very great extent by expediency and a desire to assist their friends rather than to stand for a principle.

Hon. Mr. YOUNG—But not in the Senate.

Hon. Sir MACKENZIE BOWELL—I concede the correctness of the interruption, because when the vote was taken the other day upon this question, my hon. friend, to use a western expression, 'skedaddled, vamoosed the ranch.' He was not here. He did not wish to place himself on record, and, consequently, absented himself when the vote was taken. Perhaps he took the same view of it that the hon. gentleman from Portage la Prairie did, that the resolutions were a piece of nonsense, which was not very complimentary to the hon. gentleman from Mille Isles. If he thought the resolutions were of that character he should not have voted for them. I want to point out that the case of the Rainy River Bill is not at all analogous to this case. Rainy river is a very narrow stream dividing the two countries, and the company asked for power to build dams and construct a bridge across the river. The Bill contained provisions which deprived Canada of a large proportion of benefit which we hope will arise from the construction of those works, and the amendments made to the Bill were referred to by my hon. friend from Killarney in discussing the measure before the House. This case is different. In addition to mentioning Ile Royale with the object of bringing the Bill within the purview of this parliament, the operations of the company by subclause (a) of clause (8) are confined to the Thunder bay district, and then Pigeon river is described as being within the Thunder bay district. Is Pigeon river within Thunder bay district?

Hon. Mr. WATSON—Yes.

Hon. Sir MACKENZIE BOWELL—No. If you look at the map you will find Thunder bay district clearly defined, and that you will have to pass from Port Arthur, at the head of Thunder bay, through two or three townships—Neebing, Lake and Crooks—before you reach Pigeon lake, which is the head of Pigeon river. Unless you declare the whole of the Algoma district is within Thunder bay, Pigeon river is not within that district. In view of the understanding among some hon. gentlemen to which I have referred, I have no desire to divide the House, but I wish to put on record an expression of my views. They are contained in the motion which I had intended to make, and which is as follows:

'That the Bill be not now read the third time, but that it be read the third time this day six months, for the reason that the powers sought to be exercised should be left to be dealt with by the legislature of the province of Ontario, and that the powers conceded in the provision of the Bill are such as were not asked for nor contemplated in the public notices applying for the charter, and for the further reason that the enacting of said Bill would be in direct con-

flict with the principle affirmed in the resolution passed by the Senate on the 16th instant on a vote of forty-eight yeas to one nay, affirming provincial rights and the right of the provinces.'

I am inclined to think that a number of the hon. gentlemen who voted for that resolution on the 16th instant, would vote against this amendment if I were to move it. I would not like to put the hon. gentleman who pronounced himself yesterday upon this Bill in the position of being an unrepentant sinner. I have no doubt the hon. gentleman beside him (Hon. Mr. Watson) would place himself in the same position, and having given my own view on this question, I am content to let the Bill go; but with the distinct understanding that if we live to attend another session of parliament, my hon. friend from Wellington shall have an opportunity of recording his vote either in favour of the principle or in opposition to it, which he has been advocating for almost a lifetime. If he and others desire to place themselves in that position, I have no objection; but I promise them that if I live and am here they shall have an opportunity of carrying their professions into practice. Under the circumstances, and not desiring to place these gentlemen in a false position, I am charitably inclined to let the matter drop for the present.

The motion was agreed to, and the Bill was read a third time and passed.

## PROVINCIAL SUBSIDIES.

### ADDRESS POSTPONED.

The Order of the Day being called:

Consideration of the message from the House of Commons, informing the Senate that they have passed an address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures; and requesting the Senate to unite with the House of Commons in the said address, by filling up the blank therein with the words 'Senate and.'—(Hon. Mr. Scott.)

Hon. Mr. SCOTT moved that the order be discharged, and that it be made an order for Monday next.

Hon. Mr. FERGUSON—I am afraid if this order is postponed now, there will not be sufficient time to discuss it. There are reports in the lobbies that prorogation will take place next week and such an important matter as this should not be delayed until a day or two before the close of the session.

Hon. Mr. SCOTT—It is all in a nutshell. It has been discussed since the convention held in Quebec and is a very old story.

Hon. Mr. LANDRY—The hon. gentleman should give us an opportunity to discuss these questions.

Hon. Mr. SCOTT—Certainly.

Hon. Mr. LANDRY—If it does not come up until the end of the session, my friend must not be surprised if we keep the House a day or two longer than he expects. I give notice in advance that we will take all the time necessary to discuss this question.

Hon. Mr. FERGUSON—I wish to give the hon. gentleman a similar notice, that I shall insist on my rights to discuss this question fully.

Hon. Mr. SCOTT—I hope nobody will dispute the rights, not only of the hon. gentleman, but of every hon. member of this Chamber, and parliament will be kept a month if necessary to give time for a full discussion of the subject.

Hon. Mr. BERNIER—I desire to take this opportunity to say that there is something deficient in these resolutions about the province of Manitoba. Under the present arrangement, Manitoba has a right to have a subsidy based upon the population ascertained by a quinquennial census, but in the new arrangement the basis is a decennial census.

The SPEAKER—The hon. gentleman must confine his remarks to the question of postponing the order.

Hon. Mr. BERNIER—Have I not a right to call the attention of the government to what I consider a deficiency in the resolution?

Hon. Mr. FERGUSON—Will it be made the first Order of the Day for Monday?

Hon. Mr. SCOTT—It is hard to say. I shall be very glad if it can be done.

Hon. Mr. BERNIER—I want to call the attention of the government to a defect in the resolution in order that it may be remedied.

Some hon. GENTLEMEN—Order, order.

The motion was agreed to.

## OLD-AGE ANNUITIES.

### DEBATE CONCLUDED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Honourable Mr. McMullen: That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all correspondence in the hands of the government, or any department thereof, on the question of old age pensions to aged residents in Canada, or retiring allowance in any form.—(Hon. Mr. Sullivan.)

Hon. Mr. SULLIVAN—

> To catch dame fortune's golden smile
> assiduous wait upon her,
> And gather gear by every wile
> that's justified by honour ;
> Not for to hide it in a hedge,
> Nor for a train attendant,
> But for the glorious privilege
> Of being independent.

Such is the intent and purpose of this Bill and I thought I would quote you a text from a distinguished author well known. I have been for the past fifty years a daily visitor to an orphan hospital and asylum, and for six months of every year of that time I have listened to medical students on subjects connected with their profession, which gives me a right to speak with some degree of intimacy on this subject not possessed by those who have not had a similar experience. This condition of rich and poor has existed from the very foundation of the world. After the expulsion of Adam, you remember that one of his sons killed the other for the purpose of removing the inequality; nevertheless it has continued to the present day. If you search the records of all the nations of antiquity, you will find that this condition has always existed and no attempt was made to settle the difference in any way except by the arbitriment of war. Such a thing as charity was not known. The word did not exist either in Greek or Latin, and there was no institution where that virtue was practised. Greece attained the zenith of its fame during the reign of Pericles, four hundred and ninety-two years before Christ, and Rome attained its golden age in the time of Augustus Cæsar, when the city contained one million five hundred thousand inhabitants, yet while these prosperous conditions existed no attempt was made to remedy the condition of the poor. The only way in which rulers did anything as charity was by certain feasts at which they gave corn and food to the people. I merely mention this to show you that with the exception of the Jews, who, under the law of the Ten Commandments, and under the commands of the fourth and tenth, were particularly enjoined to works of benevolence and to works of assistance to those who were in need, even to the stranger within their gates. That is the only exception, until the dawn of Christianity. When Christianity came of course all was changed. Those Deities of Olympus which held sway, were set aside. In their doctrines, although there were gods or goddesses, for every other condition of mind, there was never any deity for acts of charity or benevolence, nor any placed under love, except an immoral love, a love which was a passion, or rather lust than love, which was governed by a goddess. Christianity changed all that. The early days of its career in this world were attended with a good deal of difficulty and of terriffic persecution. This persecution was so great that the Church had recourse to the seclusion and safety of the catacombs. Persecutions continued for a long time, still the Church enjoined a benevolence which was stronger even then than it is to-day. It enjoined a condition where the goods of this world were equal among them, and such practices as were not heard of before, and certainly have not been heard of since. The persecutions ceased and the Church emerged from the seclusion of the catacombs. When the Christian doctrine began to be propagated, the Church immediately had recourse to its exemplification. Charity was enjoined. Assistance was to be rendered to those who were industrious, or to those who were afflicted with sickness, and that continued until, as you are aware, the barbarians attacked the Church and the Church converted those people, after a short time, into her supporters and champions. This state of things prevailed until there was such a division between the rulers and the ruled in

the world, during the feudal tenure, that the people were oppressed ; the feudal lords had a tendency to oppression. This was modified by the influence of the Church. The Church emancipated woman and raised her from the low position as the slave of man, to be his equal. She enjoined on man the marriage laws which govern the Christian Church at the present day and which are models of wisdom. Hospitals and asylums of all kinds were erected. She curbed the tendency of the great lords to absolute power, conceived, and wrote the Magna Charta, and removed any other grievances within her power which were likely to affect the liberties of the people. That went on, as hon. gentlemen are aware, until the policy of the civilized governments of the age was changed, excited by their lust for power and ambition, and their unlawful passions, seized the great endowments of the Church which were used for such beneficent purposes. A fine example of that is seen in the actions of Henry VIII., who is said never to have spared woman in his lust nor man in his anger. He set the example, and from that time on I consider the state, by its action, put aside the Church, as guardians of the poor, and assumed the care and protection of the people. I make a little digression here to cite examples in our own country of the first power and of the second. The first, that of the Church, is exemplified in the province of Quebec, and an example of the state is furnished by the province of Ontario. In the province of Quebec, the religious bodies were very poor at the time they were granted certain estates, but by the efflux of time these estates have become very valuable. These religious and charitable institutions employ all their wealth for the purposes for which they started two or three hundred years ago, educating or protecting the poor and the sick—I suppose it was of all denominations—at all events, the French-Canadian, and other works of charity. These heroes and heroines we read of as having done so much at the first settlement of this country, are perpetuating these efforts in the charitable institutions which you see today. Opposite the great French cathedral in Montreal there is a magnificent monument erected to the founder of Montreal, Maisonneuve, and there are several tableaux. They are so beautiful that every time I visit Montreal I admire them. One represents the founder of the Hotel Dieu, and some of the effects shown by her solicitude for a wounded young Indian. This shows that the French-Canadians have a peculiar advantage in so far as money is concerned. They are not asked to contribute as they otherwise would, although their ministrations extend all over Quebec. This is supplemented, so far as the residents of Montreal are concerned, by the private benevolence of a great many people, one in particular, Lord Strathcona. On the slope of Mount Royal is situated one of the most magnificent institutions in this country for the care of the sick. It is a hospital complete in every respect, equipped to the very smallest detail. Lord Strathcona, who is responsible for it, placed a million dollars at the disposal of this institution, and I know that in giving Dr. Roddick the order for the required instruments and apparatus for the hospital, they gave him carte blanche to buy all that was necessary for the equipment of the hospital. This is an example of that private benevolence which is doing so much in our day for the purpose of relieving any distress or afflictions that are common to humanity. I should mention also the province of Ontario. In Ontario the action of the state is seen in the perfect manner in which the destitute and sick are cared for. There is not a country, I do not care where it is, in the world that has so complete, thorough and satisfactory a system of charitable institutions for comforting the sick and afflicted as Ontario. I do not know anything about the maritime provinces or the Northwest provinces. Probably the former are too old and the latter perhaps are too young. However, Ontario has adopted as a source of revenue the system of succession duties, payable by large estates to the province at the death of the owners, for the support of these institutions, and that probably does greater benefit than the doners could confer on their fellowmen during a lifetime in their ordinary work. A good deal has been said in reference to the pauperizing effect of such a measure, and that it was unnecessary in Canada. Anything that would tend to have an injurious effect on the peo-

ple of the country, is entirely opposed to the principle of this proposition. If we take European countries, Germany for example, has a complete system of old-age pensions. Denmark and Belgium were also mentioned as models, but especially Germany. Germany's is all right, but is it pauperism? That is a word we want to get rid of. Pauperism is a word that will never be applied to Canadian people. I do not believe that the right hon. gentleman ever thought of such a thing. On the contrary, this Bill is an antidote, a preventive of pauperism, and that is the reason I give it my strong and warm support. From the experience which I have had of these institutions I can assure this House that I have seen many persons that this scheme would benefit. It is even a better institution, and would do more good by securing a certain class of people that nothing else would secure—not even savings banks. It is on the same line as the savings banks. It is simply a voluntary system. The population of England alone, without Wales, Ireland or Scotland, as given in Whittaker's, is 30,811,428. The amount of money required for the poor is supplied by the poor rate tax, and to show you how heavy it must be, in addition to the amount paid as income tax, the poor rate is £11,373,000 sterling, or about $56,845,000, which is exclusive of the amount paid to asylums, hospitals or any other purpose. It is the rate levied on the taxpayers, and you can see how large it would be divided among them. Besides, there is a sum of $18,500,000 contributed by agricultural boards and other institutions, making a total of $75,365,000 for one year for the support of 871,765 paupers, which, divided among them would be nearly $86 each. In addition, the board of guardians are permitted to open what are called labour yards, which give employment to all the men able to work, chiefly at breaking stone. One of these at St. Ovade, opposite Whitechapel, was open last year for three months. Over 1,000 men were employed. In calculating the results the stone which is usually broken at 5/ per ton, cost on this occasion £7 sterling, or $35. This is not encouraging to furnishing work for paupers. In fact the name of them is idleness.

Hon. Mr. SULLIVAN.

Scotland has a population of 4,472,108 and the number of paupers in Scotland is 108,643. These are maintained by a poor rate. Their cost is $7,011,770, and with such a small population and such a country you can understand how heavy such a tax is. There is a good deal of similarity between these conditions in Ireland. The population is 4,074,780, the number of paupers 115,083. That is relatively more than Scotland, but of course a great diminution takes place in the population of Ireland every year by emigration. The emigration from 1851 to 1905, inclusive, was four million and some hundred thousand, and last year was over 30,000. England, Ireland and Scotland have pretty much the same condition of people, although the poor rate and the number of people receiving aid are greater in Ireland than in Scotland. So widely is this poor rate fund distributed that there is not a county in England that has under one thousand paupers, some 20,000, some 30,000 and some 50,000, and I think London is put down at 149,000. There is one county in England, Rutland, which has only 622. Scotland has no less than fourteen under a thousand, Kincardine having the smallest number. I have not had time to analyse these figures, my object in quoting them is simply to give an idea of the enormous amount of money spent on the poor in England, and to show that they require a pension to be given to old men. This Bill is not pensioning old men. It is an annuity to which the person himself subscribes and pays for. I have not studied the Bill, but from the hasty perusal of it, I do not consider it involves a pension. I will read to the House a resolution passed by the British House of Commons as follows :

Moved by Mr. O'Grady of Leeds, and seconded by Mr. Groves, and resolved : that in the opinion of this House a measure is urgently needed in order that out of funds provided by taxation, provision can be made for payment of a pension to all the aged subjects of His Majesty in the United Kingdom.

In speaking to the resolution, the Chancellor of the Exchequer (Mr. Asquith) said :

On the broad grounds of principle on which this motion has been put forward, not only is there no reluctance on the part of the government to accept it, but there is the strongest and keenest possible desire, by every means we can find available and practicable to further

the object which the hon. gentleman has in view.

Allusion has been made to the case of other countries. Our fellow-subjects in New Zealand have established a system of old-age pensions on I think a rather more liberal scale than is proposed here. I find they are spending every year in developing and carrying out that scheme, £200,000.

Then speaking of Germany and of Denmark, he says :

In Denmark the cost of the system of old-age pensions as it at present exists, and has existed for something like ten years, is about 216,000 pounds a year, spread over a population of 2,500,000.

Then he refers to a meeting presided over by Sir Edward Hamilton to consider what the cost of carrying out this scheme would be. He says :

They found, taking the year 1901, that the population of the United Kingdom, over 65 years of age, might be estimated at a little over two millions. If the whole of these two millions were to be entitled to receive a pension upon the scale suggested by the hon. gentleman, five shillings a week—that is to say thirteen pounds a year—the total cost would obviously be 26,000,000 pounds. But from these two million people the select committee deducted no less than 1,350,000 as persons who would not come within the conditions which had been suggested, leaving 650,000 people who would legitimately become entitled to pensions charged upon the exchequer or the rates, as the case might be. Assuming that these people were to receive a pension varying somewhat between seven shillings and five shillings and sixpence a week, the estimated total annual cost would be 10,300,000 pounds.

This shows that there is no possible parallel between the conditions in England and in this country, certainly, if the measure was intended to supply a want on the part of the people. I believe this country is only in its infancy ; that the conditions are favourable to rewarding every man. Toil is rewarded, and children are blessings, and he who has most has riches and honour and glory to boast. I hope it will not be impertinent to discuss the motive that actuated the right hon. gentleman who proposed this measure as an experiment. The position of responsibility that he holds and his knowledge of the conditions of the country would absolve him from introducing any measure that would lead in any way towards pauperism, a term that is disliked in every country. Pauperism is not a crime, but it leads to crime, making the man less self-respecting, making him feel dependent, and less careful of what he does. I tell you from my own experience that any man in this country who becomes a pauper, so to speak, to be supported by the public, suffers trouble perplexity and annoyance just as he does before he falls into crime. The millions who are in the pauper class in the old country, are, as a rule, people low in the scale of humanity, who have lost self-respect and the feeling of independence. As long as a man retains the feeling mentioned in the verses I have quoted in my opening remarks, he will be a better citizen and more serviceable to the community than the man who does not. This Bill submitted by the right hon. Minister of Trade and Commerce, is simply a draft Bill, or a suggestion, and I suppose hon. gentlemen have read the clauses. There is not a word in it which would not commend itself to the judgment of every hon. gentleman, were we considering it in committee. It is rather a preventive of any tendency there would be to lower the standard of our fellow-countrymen. The first clause gives power to the minister to sell annuities. Then the other clauses are with reference to the fund, the amounts payable and the age. The amount is four hundred dollars a year, payable by way of government annuity. It is not to exceed that. It also provides that no government annuity shall be payable or paid to any annuitant unless and until the annuitant has reached the age of 60 years. At 60 years they consider a man useless in England, but in this country we have useful men at the age of sixty, of which there are remarkable examples around me. Another provision is that annuities are not transferable. That is a good clause. Then it is not liable for any debt or taxation. That is certainly good. Then the heirs are to receive any moneys paid. If the person should die before the amount is paid, his heirs will receive the deposit with the addition of three per cent interest. Then there is a very important clause with regard to by-laws and regulations. That is all I see that would require any discussion. There is a reference also to the tables for fixing the amount. Then with reference to the form of contract, the examinations if any, the mode of proof of the age, and mode of obtaining sums of money, and then

with reference to unclaimed government annuities. It also provides that all moneys received on account of this Act shall go to the consolidated revenue. Then there is provision with reference to the trustees and to investments—all in the hands of the government—provisions for deficiency of fund, certificates to parliament, penalty for fixing the annuity after death, of annuitant, and then the returns to be made to parliament. That is all there is in it, and can any one for a moment find anything in that which would be objectionable? I consider that with the vast experience the right hon. gentleman has had, being engaged so long in first criticising measures of a government to which his party was hostile, until they came into power in 1896, and from that time onwards appointed to look after the finances of the country, which he has done honestly and with credit to the Dominion—I say considering the vast experience of that hon. gentleman and considering the only object he could have in view, I think the measure which he has put before the Senate should receive careful consideration. In submitting it to us, the hon. gentleman could have no other aim in the world than the good of his country, a patriotic and benevolent action than which there could not be anything nobler, and I trust that this measure, or some other of a similar character will become law. I have seen cases over and over again which were, to me, lamentable. I was induced to support this scheme by a society that is in Kingston, called the King's Daughters. They found that many people received aid in winter, principally fuel, and by inducing them to subscribe five or ten cents a week or a month, found that in a short time they accumulated enough money to keep them in winter, independent of any charity. Now, that is what I think is the object of this proposition, that a man, while his health is good, while work is abundant, and wages are at the highest, shall then put enough in the hands of a sure and safe steward who will hold it and multiply it to his advantage. I would go further and ask the government to add to this fund and make it superior to any other that can be devised. I think the government are doing a good act in experimenting in this direction, and I am sure if they put the project in practice that this will become a fixed, a kind, and benevolent feature of our country. I hope that any hon gentlemen that have not looked into this question will do so and will help the right hon. minister to place it on the statute-book.

Hon. Sir RICHARD CARTWRIGHT—I am very much indebted to my hon. friend from Kingston for the broadminded and generous appreciation with which he has approached this suggestion, as it has been properly described by the hon. member from Hastings. The House, as I explained before, will understand that the sole object in laying this measure before them is to provoke discussion, and to obtain suggestions from every quarter, in order that at the proper time a well considered and well digested measure may be laid before the country. I have received many communications from a great variety of persons with respect to this proposition, and it is desirable that I should point out in the first place, to prevent misconception, what this measure proposes to do, and what is almost equally desirable, what it does not propose to do. This measure proposes, in the first place, that the government of the country shall have power to grant annuities. In the second place, that the annuities shall be made inalienable and absolutely free from seizure for debt or any other cause whatever; that there should be no forfeitures, as is the case in almost all insurance companies, and that every penny that a man pays in shall go back to him in one form or another, and, lastly, that in case of a man dying before he becomes a participant in the annuity scheme, what he has paid should be refunded to his proper representatives, with reasonable interest. That is what it proposes to do. What it does not propose to do in any form, shape or way, is to grant old-age pensions. I do not want at present to encumber the discussion by a debate as to whether it may under any conceivable circumstances, here or elsewhere, be desirable to grant old-age pensions. My present object is simply to point out that this Bill has nothing whatever to do in any form, shape or way, with the granting of old-age

pensions. It does not pretend to interfere with the practice of insurance as it now prevails in this country, nor does it pretend to provide in any way for the families of the parties accepting annuities under this scheme, except in so far as I have stated, that parties who die prior to the age of 60 or 65 will have the sum that they may have paid, refunded to their representatives. And here permit me to say that my hon. friend from Kingston is perfectly right in distinguishing widely between annuities and pensions. An annuity, in the nature of the case, is a purchase; a pension, in the nature of the case, is a gift, and there is no resemblance between them whatsoever. I have been somewhat amused at noting the variety of objections which have been raised in various quarters in respect to the measure. Some parties have objected to it because it is not an old-age pension Bill; other parties have objected to it because it is in their opinion an old-age pension Bill in disguise. Some have objected to it because, in their opinion, it promises too much, more than can be properly performed; others because they think it does not go quite far enough. Some parties think that this project would burden the state unduly; others have told me they consider the state would make unreasonable profit out of the transaction. Some allege that there is no need for it. With that objection I shall deal presently, and at a little more length. Some say the annuity limit is fixed too high, some that it is not fixed high enough, and so on. Some allege that the government has too much latitude given to it; some that it does not take discretion enough. Some parties think that there is a sinister design concealed behind this project, and that the government take power to interfere with companies which are now doing good work in the country. Some, as I have said, consider that it may possibly interfere with insurance companies, and others object that it does not provide insurance which they would like to see furnished by the state. Now the question of state insurance, like the question of old-age pensions, is a question which may, under certain conditions and in certain places, be fairly discussed. I do not propose to discuss that now, I merely mention it in order to clear the ground, and to point out that this is neither an old-age pension Bill nor yet a provision for state insurance. Then there are parties who object to the provision, which I may observe has already been recognized fully by our law, and is recognized in all old-age pension Bills introduced in other countries, that an annuity granted by the state under these conditions should be inalienable, should be free from seizure for debt and should remain the property of the person who obtains it until the day of his death. Then there are others who object because this measure would in no respect assist men who have not chosen to assist themselves, and because there is nothing in it which would enable the lazy or the sensual, or men who have neglected their opportunities, to batten on the toil of their more honest and prudent neighbours. These objections pretty well answer each other, but when parties allege that there is no need for the propsed measure, I think they make a rather serious mistake. Some persons have urged that there is no demand for a measure of this kind. Well there could by no possibility be a demand for an article which has never yet been put on the Canadian market, or, as far as I know, on the market of any other country. No one but government could offer the terms that are proposed to be offered in this Bill, and to say that there is no demand for a thing that has never been placed before the public, seems to me to be a contradiction of terms. But if there are parties here or elsewhere who hold that there is no need of this, then I say that they are very blind to certain very obvious facts disclosed in every Gazette return, and every bank statement, and every governement report which deals with the question. It may be unknown to some gentlemen, even in this House, but it is the fact that there are at this moment no less than five or six hundred thousand persons, being very nearly a fourth of all the wage-earners in Canada, who are unable to invest the moneys they possess at any higher rate than 3 per cent. Of these two hundred thousand are at this moment investing their moneys in government savings banks, in which they have deposited $61,-

000,000 at 3 per cent. I have in my hands the returns from three of our more important banks, which show that in their savings department 170,000 depositors are likewise depositing their money and receiving no more than 3 per cent. At the very lowest calculation, at least an equal number are depositing their moneys in the savings banks operated by the other banks in the country; so you have at this present moment between five and six hundred thousand of our fellow-countrymen and country women investing their money at three per cent and to the extent of from one hundred and fifty to two hundred million dollars. I may add, parenthetically, that the total amount deposited in the banks of this country, almost all of which is at three per cent if it bears any interest at all, amounts roughly to $560,000,000, apart from the sixty millions invested in the government savings banks. A very great deal of this is a pure provision for old age on the part of these people. I have had occasion to inspect these savings banks returns in a good many quarters, and it is a notable and noteworthy fact that many who put their money in savings banks leave it undisturbed, or go on increasing their deposits during the whole term of their natural life. It is a very frequent case that men who begin to deposit never take out a penny, but leave it there until it is withdrawn by their heirs. Now, I may ask the House and the country, why it is, in a country like Canada, where there are undoubtedly a great many opportunities for profitable investment, that this vast number of people have deposited this immense sum of money at a bare three per cent interest? The answer is plain to my mind. These people deposited it because they require perfect security, and they believe that the government or banks of high standing alone can give this perfect security. There are, besides these, a very considerable number of people, though nothing like as many as those who deposit in savings banks, who have invested their money in enterprises of a more or less dubious character, simply because they have no opportunity of doing better. Until now, these people have had no alternative. They must either put their money in the savings banks at 3 per cent, or take the risk and chances of investing in enterprises as to the solvency of which it is very difficult for them or anybody to form an opinion. Now I say that to all this class, and it is a very large class, this scheme would give an opportunity for making very fair provision for their old age. It may not be accepted, that is quite possible; all the same I think it is the duty of the government to give these people the chance and take pains to explain it to them. and no doubt very much will depend on the way it is presented, but I am of the opinion that if the parties to whom the administration of such a scheme is entrusted were to take one-tenth part as much pains to explain the merits of this measure to the public at large as the ordinary vendors of quack medicines do in advertising their nostrums through the country, that an immense number of people would be found ready to avail themselves of it.

One word as to the duty of the state. I do not believe that the state owes every man a living. But I do believe that the state owes it to every man to see that no legal impediment is put in the way of any man earning a living, and more especially that it is the duty of the state to see to it that no man is prevented by the tyrannical violence of any combination from disposing of his labour on such terms and conditions as he chooses on the one hand and on the other that no trusts or combines be permitted on any pretext to filch from him any part of the wages of his labours. I have said there has been a confusion of ideas on this matter. I have pointed out the complete distinction which exists between annuities and old-age pensions. There has been a confusion also as to the number of men who are likely to be desirous of availing themselves of such a project, and who have the means of doing so. There has been confusion likewise, as I have said, as to the risk of interference with insurance companies, with which this measure at any rate does not interfere at all, and likewise, I think, over the question whether the government was likely to outstep its legitimate functions in providing such a means for those who choose to avail themselves of it, of guarding against penury in their old age. I do not want to lay too much stress—because circumstances differ in different

countries—on the fact which has been alluded to by my hon. friend from Kingston, that an annuity which is a purchase, where a man pays his money and obtains an equivalent and nothing more, is a totally different thing from a pension, in this, that the purchase of an annuity strengthens a man's self-reliance and independence, while the gift of a pension in a great many cases tends to debase and demoralize him. One of these proceedings—although it may be temporarily expedient under different conditions from those which prevail in Canada—is at the best a doubtful remedy. The other may well prove a means of preventing grave mischief in the not distant future. The duty of the government is chiefly to help men to help themselves and not to pander to folly and improvidence, much less to penalize thrift and prudence, for the House and the country would do well to remember this, that when you grant large sums of money for the purpose of providing pensions for those who are unable to provide for themselves, a very large proportion of the burden, under any circumstances, must rest on the shoulders of the industrious poor. They, after all, are the parties who contribute the major portion of our revenues under our fiscal system and any unnecessary expenditure, or any additional expenditure must, of necessity, come out of their pockets in a large degree. This measure not only does not conflict with insurance companies who are doing a good work on the whole throughout the country, and with reasonable precautions will continue to do it; but it does not conflict seriously even with those companies who desire to issue annuities. They have a large field left to them. We do not propose, that inalienable annuities should be granted for a larger sum than $400 a year in any one case. Everything outside of that, the ordinary companies are left to deal with, as they choose, and there is this important difference to be observed, that ordinarily speaking a man who purchases an annuity purchases something which he desires should be paid to him from the moment he makes the payment to the annuity company. In this case, the great majority of annuities that might be purchased would be deferred annuities, not coming due for thirty or forty years, which is another very good reason why it would be much easier to induce workmen in particular to purchase them from the state, than to purchase them from any other quarter is, because the most astute financier would hardly feel the same confidence that an insurance or annuity company, however solvent to-day would be equally solvent thirty or forty years hence, as he would that the government under which he lived would be able to redeem its obligations. No doubt a private company has this one advantage—a private company might conceivably invest its money at higher rates, and, possibly, give a little larger annuity. As a matter of fact, I am tolerably certain that no private company of decent standing could afford to give better terms than those I expect would be given under the Bill now before you, and for these very good reasons: The rate of interest which it is suggested should be allowed, will quite equal the rate which can be obtained to-day on first-class securities, and in the next place, as I remarked before, the government could conduct an operation of this kind very cheaply, and has no desire whatever to make one penny of profit out of the transaction; whereas, in the nature of the case, every annuity company must of necessity desire to make its reasonable profit. In order that the House may understand it exactly, I have worked out this scheme at the ages of twenty, twenty-five, thirty and forty, and at a rate of interest varying from three and a half to three and three-quarters per cent. I am prepared to show, and I have the authority of the Insurance Department, besides, that taking the usual rates allowed by insurance companies in good standing, any man who begins at the age of twenty years, can, for a payment of twenty-five cents per week continued up to the age of sixty years, secure for himself an annuity of $120 at that period, or, although his payments would cease at sixty, if he chose to accept a deferred annuity at sixty-five he would receive $200 a year.

Hon. Mr. FERGUSON—I think my hon. friend can scarcely be accurate in that calculation.

Hon. Sir RICHARD CARTWRIGHT—I should be very pleased to give my hon. friend the calculations.

Hon. Mr. FERGUSON—Twenty-five cents a week is $1 a month—$12 a year.

Hon. Sir RICHARD CARTWRIGHT—Thirteen dollars a year to be exact.

Hon. Mr. FERGUSON—Has it been worked out actuariarialy?

Hon. Sir RICHARD CARTWRIGHT—I will work it out with the hon. gentleman now, and I think when I have worked it out, he will see that the statement is correct. As I understand him, he thinks my calculations are far too little. $13 a year for forty years equals $520. At three and a half per cent, much more at three and three-quarters per cent in interest in those forty years would bring the amount up to $1,040. Under the terms proposed here, there will of necessity be a reasonable though not an excessive advantage to the annuitant, because we only pay in the case of lapses three per cent ordinary interest, and the result is this, that on the payment of so small an amount as 25 cents a week the government could afford to pay the annuities I have mentioned. The same results would follow if he began at twenty-five years of age, when he would have only thirty-five years to pay, by a payment of thirty cents a week. If he began at thirty years he would have to pay thirty-five cents a week for thirty years. If at thirty-five years, when he would have only to pay for twenty-five years he would require to pay fifty cents a week, and at forty years seventy cents a week. Those are calculations which have been very carefully made by the actuarial department, and there is no doubt whatever about it. Everybody in this House will see that there are very many wage-earners in Canada to whom it would be no inconvenience to make such weekly payments.

Hon. Sir MACKENZIE BOWELL—Are the deposits compounded annually or semi-annually in that calculation?

Hon. Sir RICHARD CARTWRIGHT—I think they are compounded annually, but the difference between the annual and half-yearly compounding at a low rate of interest would be very small. The one that I took as an illustration was the case of a men who, at twenty, chose to avail himself of the system. Three and a half per cent would be sufficient in his case. The man who availed himself of it at forty or later would be allowed a slightly greater rate of interest.

Hon. Mr. WOOD—Is anything allowed for the cost of management?

Hon. Sir RICHARD CARTWRIGHT—That I think the state, looking at the advantages to the community, might take on its shoulders; but I will allude to that afterwards.

Hon. Mr. FERGUSON—The government could afford to throw in the cost of management.

Hon. Sir RICHARD CARTWRIGHT—The cost of management would be very insignificant, for this reason: The state at this present moment has a very large savings bank account. It deals with two hundred thousand separate depositors in its savings banks alone, and the actual cost of management is very small. Now it would be a trifling addition to the cost of management to add whatever number of parties chose to avail themselves of this project to the present savings banks depositors, and, as I said, I think the advantages to the state are so great that it might well allot a very moderate sum of money to the purpose of facilitating the introduction of this scheme. There would, no doubt, for the first three years while introducing it, be need of some grant in aid. That I mentioned in my former remarks on the subject. I may state with respect to old-age pensions, I have here the very latest Bill introduced in the English House of Commons, on the 15th February, of this year. That is a subject which has been debated for from twenty-five to thirty years in England. It has been dealt with by a great many parliamentary committees, among which was one of which His Majesty himself was a member. I do not say what may be evolved hereafter, but up to the present time all these committees, I think, without exception, have reported that no perfectly satisfactory scheme could be recommended. I have pointed out before, and I now repeat, that I do not desire to criticise at all what

it may be deemed necessary to do in old countries where there is a large population hovering on the verge of famine. Other expedients may be necessary and experiments may be properly tried which have no place in a country like Canada, and for that reason I shall not refer to the cases of Germany or even of Australasia, because in the case of Germany you deal with a situation which is impossible here. You have compulsory payments for the purpose of providing an annuity, and you have a form of government which, although nominally representative, is in reality to a very great extent an autocracy. Nor do I care for the experiments in Australasia, for two reasons: In that country they have gone pretty far in the direction of a very rank socialism, and what is more, the evidence that has come into my hands in respect to them, go to show that the result of their experiments has been by no means satisfactory, nor is it likely to be satisfactory. Now, in conclusion, let me say this: I repeat that this is a matter which is brought forward absolutely and entirely without reference to parties. It is brought forward for the purpose of laying before the people of Canada, as far as it is in my power to do so, a project which, I think, if well worked out, may be of considerable service to a large and deserving portion of the population. I say, first of all, to this House, and next to the people of Canada, whose servant I am, and whose servant I have been for about four and forty years without any very great profit to myself, not merely is the time opportune; not merely is a good chance presented to us now, but I say that it is most singularly opportune. There is a combination of circumstances now existing in Canada which gives us a chance of devising and placing on our statute-book and putting into effect a scheme of this sort such as, in my experience, has not occurred at any time within the last fifty years or, I believe, since Canada became a country at all. I think the House, as a whole will agree with me that at this time Canada is entering on a period of very great industrial development. For a long time to come there is a strong probability that the rate of wages, and the rate of interest, which is an important point, will continue at a very high figure throughout Canada. It is quite possible, nay, it is quite probable that there may be occasional setbacks and depressions; but so far as it is possible for any one to make a forecast, for the next twenty-five or thirty years I believe there are many circumstances which tend to show that it is extremely probable that during a whole generation from the present date and until our western territory fills up, Canada will be an extraordinary prosperous country. Our position here to-day is very closely analogous to the condition of things which prevailed in the United States from 1840 to 1860, when they were settling up a very great portion of the country they now possess. That period, as I believe, as every political economist in the United States has admitted, was perhaps the most prosperous portion of American fiscal history. It was a period during which there was an enormous expansion, and a much better distribution of wealth, much more general comfort, and lastly much less individual poverty than exists in the United States to-day. Unfortunately, the bright prospects that then existed in the United States were soon overclouded. They had in the first place what all of us will agree in regarding as a desolating civil war, and they had also in what all will not agree in regarding as a still greater misfortune, a desolating tariff.

Hon. Sir MACKENZIE BOWELL—No, we will not agree to that.

Hon. Sir RICHARD CARTWRIGHT—I am not going to raise the question of the tariff either, but I will simply say this, that in my judgment—and I have bestowed a good deal of attention on the subject whether it has been well directed or not—the United States did themselves a great injury by the introduction of their tariff. It was responsible for many evils, and notably because it divided labour and capital into two hostile camps, and has brought about, as all observers know, a state of things in the United States which borders on a potential, industrial war breaking out very often on very flimsy pretexts, and which in many respects threatens the prosperity of that country quite as much as do the European armaments which have done

so much to hamper the progress of the peoples of that continent, a condition greatly to be deplored and which, I may add, threatens their liberty too. Now I do not say that such a scheme as this will prevent these consequences, but I say it will go a good way to lessen them. Moreover, I say that this is suitable in a high degree to the temper of our people. I am not concerned as to how such a scheme would answer elsewhere. I say Canada is able to make her own precedents, and if she sets an example in this case, she will only do what she has done before on other occasions and successfully. No true Canadian, and no honest workman that I know of, would desire to be dependent on charity whether of the state or an individual if only opportunity is given him to make provision for himself by his own energy and self-denial. It is our happy position that in Canada there is as yet no submerged tenth, and I may add it will be our own fault as a nation if for many a day and many a generation a submerged tenth should come into existence in Canada.

I say, God forbid that such a thing should ever happen; and I say moreover that this measure would contribute both directly and indirectly if the people chose to avail themselves of it, to prevent any such contingency, and it is infinitely better for us to spend, if need be, a few thousands a year in order to encourage thrift and self-respect amongst our people, than perhaps, as they may have to do in England, to waste millions which at best will pauperize a great many. I may add too, that it is well even for us to remember that in old times—we have the lessons of history to teach us—the Roman people never lost their liberty till the people were fed by the state. I have no sympathy with the class of maudlin philanthrophists who would reward the idle sensualist at the expense of the honest, frugal and industrious. And if hon. gentlemen think that this is too hard a saying I may remind them that there was once a great saint who was also a great philosopher who lived about 2,000 years ago and who has left his views on the subject on record in the memorable saying, 'If a man will not work neither let him eat.' This is sound sense and sound political economy as well, and to this doctrine I, for my part, do most heartily subscribe. Lastly, I desire to point out that this is no charitable proposition in any shape or way. The state and the citizen under this will alike cooperate. The state will supply the machinery and the security which the state alone can supply. The citizens will do the rest.

It is a true and proper commercial arrangement. If it succeeds, both parties, both the state and citizen, will benefit and benefit largely. The cost of the experiment, which my hon. friend opposite alluded to, is insignificant. As far as I can calculate it is probable that the cost of it might about equal the cost of one field-gun in a field-battery at the very latest prices that we have had to pay for that luxury. We have come to the parting of the ways. This question will have to be handled, and it will be handled doubtless whether we like it or not, in the space of a moderate period of time. We may treat it as demagogues will treat it, or treat it as statesmen will treat it, and at least and at lowest—and with that I will leave the matter in the opinion of my friends here—at least and lowest this project can by no possibility involve any harm except the loss of a very small amount of money. Let us give the people the choice, and let the people choose. If it fails, Canada will be no poorer. If it succeeds, Canada will be very much the richer, and it will be richer in more important things than money. We will have the satisfaction of knowing that a difficult problem has been solved, that a long step has been made forward, and that a valuable educational lesson has been taught. It will strengthen self-reliance; it will strengthen independence; it will encourage and reward forethought and self-denial; and these, in my judgment, are qualities which are indispensable to the formation of any strong national character. Without these, neither men nor nations have achieved permanent greatness, and anything we or the government can do to foster such results at least deserves serious consideration.

Hon. Mr. BEIQUE—I merely desire to suggest that in order that we may the better appreciate the brillant remarks which have been made by the right hon. gentleman, the draft Bill be placed with the min-

ister's speech either at the beginning or the end of his remarks, so that we will be better able to follow them ?

Hon. Sir RICHARD CARTWRIGHT—I will have pleasure in complying with the request.

Hon. Mr. FERGUSON—There are three terms used with reference to old-age provision. In Germany they call it insurance, although there is a state contribution. In New Zealand a pension, and my hon. friend calls it an annuity. I understand my hon. friend to draw a very clear distinction between an annuity and a pension. I did not quite understand what it was.

Hon. Sir RICHARD CARTWRIGHT—The distinction is this : An annuity is a purchase in which a man pays full value for what he gets; a pension, in the nature of the case, is either in whole or in part a gift. That is the distinction I draw.

Hon. Mr. FERGUSON—My hon. friend did not treat it in the same way two years ago when he provided a pension for retiring ministers. He called it an annuity, although they did not pay a cent.

Hon. Sir RICHARD CARTWRIGHT—I did not draw that Bill, but I will call attention to this : There is always a certain contribution to the amount of pension coming to civil servants and to retired officers in banks and so forth, and it arises from the fact that the pensions in those cases are more in the nature of a proportion of their wage than a pension, and the reason why it may be just and wise to give a pension to a returned minister or bank clerk is simply this: These men, as a rule, are placed in circumstances of great responsibility, and where they are required to have great trust reposed in them. It has been held by banks, who are not given to any maudlin philanthropy in these matters, that it is extremely desirable, in the case of their officials, they should do these two things: that they should be retained in their service as long as possible. They do not like to have a constant influx of new men in and out. They wish to keep them there, and by remaining in their service a reasonably long time, they receive a pension, and that is found to be a powerful lever. That is one thing ; another thing is that where men are placed in positions of great trust and responsibility and of great temptation, very often it is not expedient that such men should feel that they may at an hour's notice be thrown on the street and be left totally unprovided for.

Hon. Mr. FERGUSON—It is as to the application of the word. It was called annuity in the Bill two years ago, and now it is pension.

Hon. Sir RICHARD CARTWRIGHT—I think it was a mistake to call it an annuity ; it was a pension. I gave my views on that some year and a half ago, though those views did not, unfortunately, prevail ; and I may say unofficially that I think it is a great pity, and unfair that men who, like my hon. friend opposite, had received from the country a pension as a reward for long and meritorious service, should have been deprived of it.

Hon. Mr. ROBERTSON—I rise to congratulate the hon. gentleman on the brilliancy of his idea, and the brilliancy of the speech he has just delivered, and I suggest that this House should take some steps to have a synopsis of the speeches delivered on this subject and the speech the hon. gentleman delivered to-night printed and distributed throughout the country. If some arrangement could be made to do this, it would be very valuable indeed.

Hon. Mr. CLORAN—Probably the hon. gentleman could give me some information in regard to one or two matters. Is it the intention to restrict this project to the male sex?

Hon. Sir RICHARD CARTWRIGHT—No, any lady who likes may come in.

Hon. Mr. CLORAN.—It was not mentioned in the hon. gentleman's speech.

Hon. Sir RICHARD CARTWRIGHT—I said 'persons,' which covers males and females.

Hon. Mr. CLORAN.—Another question which may affect the merits of the Bill is: We have two persons purchasing annuities at the age of twenty-five years. They pay up to the age of sixty, equally. They draw their annuity at the age of sixty. One

draws it up to sixty-five and dies; the other lives to the age of ninety and draws it for thirty years. The one drawing for thirty years is an old bachelor, and the one who dies at sixty-five leaves three or four or five children. Do I understand by this Bill that the only benefit he will derive from the annuity fund is during the five years he should have lived after he has ceased to pay into the fund?

Hon. Sir RICHARD CARTWRIGHT—Yes, that would be so.

Hon. Mr. CLORAN—That is going to be a very strong objection.

Hon. Sir RICHARD CARTWRIGHT—We cannot both insure and grant annuities.

Hon. Mr. CLORAN—Two persons enter and pay into the fund twenty-five cents a week for forty years. Each one pays in to the fund $520, which, at compond interest, gives him $120 a year. If the one lives thirty years after, he is drawing $120 for thirty years from the money deposited with the state, and he has very little or no embarrassment, while the other man if he dies at sixty-five, leaving a widow and family, all the benefit he derives is during the five years he lives after he has ceased to pay.

Hon. Sir RICHARD CARTWRIGHT—That is inherent in all annuities.

Hon. Mr. CLORAN—This is going to be an obstacle in the way. But of course I am in favour of the Bill.

Hon. Sir RICHARD CARTWRIGHT—I would suggest that there is a remedy. A man might appropriate enough money to obtain an annuity for his wife under this Bill.

Hon. Mr. CLORAN—Why not have reciprocity? If she outlives him, continue it until her death.

Hon. Sir RICHARD CARTWRIGHT—We would have to charge very much more.

Hon. Mr. FERGUSON—These would be matters of detail.

Hon. Sir RICHARD CARTWRIGHT—I desire to say that any papers that exist will be brought down.

Hon. Mr. CLORAN—'Wage-earner' is a general term. Does that include workmen, clerks and all that class of people?

Hon. Sir RICHARD CARTWRIGHT—It would include every citizen of His Majesty who choose to pay—black, brown, yellow or white, male or female.

Hon. Mr. ELLIS—If it were possible, I should like to support the suggestion of the hon. gentleman from Prince Edward Island. Really the circulation of the views expressed by the gentlemen who gave this subject some study, taking into account the importance of the subject itself, would be of great educational value to the public. It would, therefore, be a good idea to print in one forme all the observations which were addressed to the Senate, because while the Senate Debates is supposed to be an embalming place, yet the circulation of a document containing all the speeches on this question would be quite as important as the circulation of the Insurance Commission report.

The motion was agreed to.

DRAFT BILL.

An Act to authorize the issue of Government Annuities for Old Age.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. This Act may be cited as the Government Annuities Act, 190 .

2. In this Act, unless the context otherwise requires,—

(a) 'Minister' means the Minister of Trade and Commerce, or such other minister as may be appointed by the Governor in Council to administer this Act ;

(b) 'government annuity' means an annuity issued under the provisions of this Act ;

(c) 'annuitant' means a person in receipt of or entitled to the receipt of a government annuity.

3. His Majesty, represented and acting by the minister, may, from time to time, subject to the provisions of this Act and of any order in council made under the authority of this Act, enter into and enforce any contracts whatever which may be lawfully made by any person, for the sale of annuities, either immediate or deferred, and whether conditioned upon the continuance of the life of the annuitant or for any certain limited term of years ; such annuities shall be chargeable and charged upon, and shall be payable and paid out of the fund by this Act created and designated 'The Government Annuities Fund.'

4. A government annuity shall not be made in favour of any person other than the actual annuitant, nor for any larger amount than four hundred dollars a year ; the total amount pay-

able by way of a government annuity or government annuities to any annuitant shall not exceed four hundred dollars a year; nor shall any government annuity be payable or paid to any annuitant until and unless that annuitant has reached the age of sixty years.

5. The minister may refuse to contract for any government annuity in any case where he is of opinion that there are sufficient grounds for refusing so to do.

6. The property and interest of any annuitant in any contract for a government annuity shall not be transferable, either at law or in equity, and the minister shall not receive or be affected by notice, however given, of any trust affecing any government annuity.

7. The property and interest in any contract for a government annuity of any annuitant shall be exempt from the operation of any law relating to bankruptcy or insolvency, and shall not be seized or levied upon by or under the process of any court whatever.

8. In case of the death of any annuitant before the time at which a government annuity becomes payable to him, all moneys paid by him in consideration of such annuity shall be paid to his heirs or legal representatives, with interest thereon at the rate of three per cent per annum.

2. In such case the provisions of section 7 of this Act shall apply to such moneys.

9. The Governor in Council may, from time to time, make regulations not inconsistent with this Act,—

(1) As to the use of tables approved of from time to time by him for determining the value of government annuities; and for the revocation of all or any of such tables and the use of other tables approved by him.

(2) For the discontinuance, after notice in the 'Canada Gazette,' in such form and manner as he thinks fit, of the sale of government annuities, if he deems it advisable so to do.

(3) For fixing the kinds and classes of government annuities which may be issued, the maximum and minimum limits of the amount thereof, and the amount and mode of the payments to be made therefor.

(4) As to the mode of making and the forms of contracts for government annuities, including all requirements as to applications therefor.

(5) As to the modes of proving the age and identity and the existence or death of persons.

(6) As to the modes of paying sums of money payable under this Act, and the management of the accounts required to be kept.

(7) As to the dealing with and application of unclaimed government annuities.

(8) The doing of everything incidental to the foregoing matters or necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof.

10. All moneys received under the provisions of this Act on account of the purchase of government annuities shall be paid into the Consolidated Revenue Fund, under such regulations as the Governor in Council from time to time prescribes in that respect; and a distinct and separate account of all such moneys shall be kept, which account shall be called 'The Government Annuities Fund Account.'

11. Such moneys shall be held and invested by and in the name of three trustees, of whom the Minister of Finance and Receiver General and the Auditor General shall be ex officio two, and the third shall be appointed by the Governor in Council.

2. The said trustees shall, from time to time, invest the moneys standing to the credit of 'The Government Annuities Fund Account,' firstly and by preference, in government securities of Canada and of the several provinces of Canada, and of the United Kingdom of Great Britain and Ireland, and, seconding, in such other securities as are from time to time authorized by the Governor in Council.

12. All moneys payable under this Act as, or on account of, government annuities are hereby made chargeable upon and shall be charged upon the moneys standing to the credit of 'The Government Annuities Fund Account.'

2. If at any time the moneys standing to the credit of 'The Government Annuities Fund Account' are insufficient to discharge the amounts so chargeable, the Auditor General shall, under the warrant of the Governor in Council and on the requisition of the Minister of Finance and Receiver General, countersigned by the minister, sanction the issue of the amount of such deficiency out of the consolidated revenue fund to the Minister of Finance and Receiver General, to be transferred by him to the credit of 'The Government Annuities Fund Account' for the purpose of paying claims for such amounts.

13. The Minister of Finance and Receiver General shall certify every such deficiency to both Houses of parliament within fourteen days after the issue of such moneys from the consolidated revenue fund, if parliament is then sitting, and if not, within fourteeen days after the commencement of the then next session of parliament.

14. Every person who for his own use, or for the use of any other person, receives any payment, otherwise than as is authorized by law, upon or in respect of any government annuity, after the death of any annuitant on the continuance of whose life such annuity was payable, knowing such annuitant to be dead, and contrary to the true intent and meaning of this Act, shall forfeit to His Majesty, his heirs and successors, treble the amount of all money so received.

15. The minister shall lay before both Houses of parliament, within twenty-one days from the commencement of each session thereof, a return containing a full and clear statement and accounts of all business done in pursuance of this Act during the fiscal year next previous to such session. The statement and accounts shall be in such form and shall contain such information and particulars as are from time to time prescribed by the Governor in Council.

## RAILWAY ACT AMENDMENT BILL.

### AMENDMENTS CONCURRED IN.

Hon. Mr. GIBSON (in the absence of Hon. Mr. Casgrain) moved concurrence in:

The amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 4) An Act in further amendment of the Railway Act, 1903.

Hon. Mr. LANDRY—I desire to know what would be the effect if this report is concurred in. What is the report? I think

the report is the killing of the Bill. The Bill only contains one clause, and the report expunges that clause so that there is nothing at all remaining in the Bill.

The SPEAKER—It means the rejection of the Bill itself, because there is but one clause.

Hon. Mr. LANDRY—I think the committee has not the power to amend to that extent. At page 665 Bourinot says:—

> Though a committee has full power to amend, even to the extent of nullifying the provisions of a Bill they cannot insert a clause reversing the principle affirmed by the second reading.

We must not forget that this is a public Bill which has been referred to a standing committee. The principle of the Bill has been accepted by this House, and I do not think that the report of the committee should go to the extent of nullifying the Bill itself. At page 667 Bourinot says:—

> But a committee have no power to extinguish a Bill; that power is retained by the House itself.

At page 669 Bourinot says:—

> A Bill may be ordered to be reprinted as amended if it has been amended or recommitted to a Committee of the Whole or to a select committee.

We send it back to the committee or to a Committee of the Whole.

Hon. Mr. YOUNG—Have they amended the Bill?

Hon. Mr. LANDRY—They have amended the Bill so as to strike out all the words of the Bill.

Hon. Mr. YOUNG—They have only struck out one clause.

Hon. Mr. LANDRY—If you subtract one from one I do not see what remains.

Hon. Mr. YOUNG—Have the committee any power to amend?

Hon. Mr. LANDRY—Yes.

Hon. Mr. YOUNG—That is all they did.

Hon. Mr. LANDRY—But they have no right to reverse the principle accepted by the House at the second reading of the Bill. This is a public Bill, and the House has pronounced itself upon it and accepted its principle in passing the second reading, and now the committee comes with a motion that annuls the Bill altogether and destroys the principle that was accepted by this House. The committee thereby reverses the action of this House. I think it should be treated as a Bill that went into Committee of the Whole. It is always lawful and regular for a member to make a motion to have a Bill replaced on the Orders of the Day. I think it is the best way to get out of the difficulty.

Hon. Mr. POWER—I think there is nothing to hinder the House from referring the Bill to a Committee of the Whole, and there is something to be said in favour of that scheme. The hon. gentleman has not put the whole matter before the House. The Senate did not, as a matter of fact, affirm the principle of the Bill, when they allowed it to be read a second time and sent it to the Committee on Telegraphs, Railways and Harbours. It was felt it was a case where evidence and argument should be heard on both sides, and that could be done much more conveniently in the committee than in the House; and for the purpose of informing members, this Bill was sent to the Railway Committee, which embraces nearly two-thirds of the members of this House. Then the committee make a report which this House can deal with as it pleases. The House can neither pronounce its opinion at once, or the House can refer the Bill to a Committee of the Whole, or refer the report to a Committee of the Whole. If hon. members are prepared to deal with the motion at once, I do not see why the House should go into committee.

Hon. Mr. LANDRY—The fact is that the second reading is an affirmation of the principle of the Bill.

Hon. Mr. POWER—It is usually considered so, but we did not in this case consider the principle.

Hon. Mr. LANDRY—There was nothing to take the second reading out of the second rule.

Hon. Sir MACKENZIE BOWELL—If that argument had been advanced thirty years ago, there would be a great deal of

force in it. When I first came into parliament the principle laid down by the hon. gentleman from Stadacona was the correct one, that in the case of a private Bill the second reading affirmed or disagreed with the principle of the Bill, but for the last ten or fifteen years that idea has practically been abandoned. I have heard it repeatedly stated in the lower House, by the leaders of both parties, that if a Bill of that character is introduced, or if a Bill of any character is introduced, and is to be referred to a committee in permitting the second reading to take place without discussing its principle. it was distinctly understood that the House is not pledged to the principle of the Bill. That has been the practice of parliamentarians who have paid any attention to these matters for a number of years. I have heard it argued that, this being a public Bill should not be sent to the standing committee, but should have been referred at once to a Committee of the Whole House. That is, no doubt, the practice, but a different course is not only very often suggested, but carried out. The most important Bills come before the Senate that year, and also before the House of Commons, are government Bills. Take for instance the Insolvency Bill—and I do not know that I could instance a more important Bill than that, for which the government is responsible—that has been referred to a special committee, and at other times to a Banking and Commerce Committee as the case may be, in order, as pointed out by the hon. gentleman from Halifax, to enable a general discussion pro and con upon its merits, and then, when it comes back to the House, we affirm the principle, or reject it. I think I am correct as to the practice in the past.

Hon. Mr. FERGUSON—When this Bill was before the House, and read the second time, I made the suggestion to the hon. gentleman in charge of it, knowing there was some difference of opinion regarding referring it to the Railway Committee, for the simple reason that those for and against the Bill could be heard, and that hon. gentlemen could have a better opportunity of getting at the merits of the Bill by that means. It is not quite correct, however, to say that the Bill was not discussed at the second reading. It was very fully discussed. There is only one clause, and the principle is in that clause. The House sent the Bill to the Railway Committee, and it was very fully considered there. I am not going to discuss that, but there was a strong difference of opinion in regard to it. The point that now arises is this: the Railway Committee could scarcely reject the principle of the Bill, seeing that it was a public Bill being sent to them from the House after the second reading, and I do not think it will deprive the House of the right of going into Committee of the Whole on the Bill. I do not think that is possible. We have the right to go into Committee of the Whole at this stage, and if the House sees fit to restore the clause, they have a perfect right to do so. My suggestion, therefore, would be that the Bill be referred back to a Committee of the Whole House.

Hon. Mr. SULLIVAN—This Bill was discussed thoroughly in committee—more so than any other Bill.

Hon. Mr. WILSON—I merely wish to say that I think the rule is absolute; that when a public Bill of this kind is voted upon by the House, and a majority vote to send it to the Railway Committee when it comes back to the House, any member can ask that the Bill be submitted to a Committee of the Whole House and that being so, I think it is proper now that the Bill be submitted to a Committee of the Whole House.

The House divided on the amendment, which was lost on the following division:

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The SPEAKER—The question is now on the motion for concurrence in the amendments.

Hon. Mr. DAVIS—I move the adjournment of the debate.

The motion was agreed to.

BILL INTRODUCED.

Bill (51) An Act to readjust the representation of the provinces of Alberta and Saskatchewan in the House of Commons and to amend the Representation Act.—(Hon. Sir Richard Cartwright.)

The Senate adjourned until three o'clock to-morrow.

## SENATE.

OTTAWA, Friday, April 19, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUESTION OF PRIVILEGE.

Hon. Mr. ELLIS—On the division which took place yesterday, I voted on the question of referring to a committee a Bill which was before the House. I remembered afterwards that I had made some kind of an arrangement with the hon. gentleman from De Lanaudière with regard to that measure, and while the pair which we made was on the principle of the Bill, it might be better had I not voted at all; I would therefore ask the House to permit my name to be withdrawn from the division.

Hon. Mr. LANDRY—The understanding was that the pair was in regard to the Bill itself.

Hon. Mr. BEIQUE—The vote was not on the Bill, and for my part I voted in favour of the reference on a question of order which was raised; but as far as the Bill is concerned I intend to vote against it.

Hon. Mr. LANDRY—I think the vote should stand as it was given.

Hon. Sir MACKENZIE BOWELL—The vote of the hon. gentleman from De Salaberry must stand, but I think the request made by the hon. gentleman from St. John ought to be acceded to.

The SPEAKER—I understood the hon. gentleman not to insist.

Hon. Sir MACKENZIE BOWELL—I understood him to say he had paired with his colleague from De Lanaudière, and that he asked to have his name erased from the division. I might say that that is a thing which sometimes occurs, and in such a case the hon. gentleman, on the first opportunity, informs the House that he voted in error and wishes to have his name erased from the division. I do not insist upon this; I am only speaking of the practice, and I think, if the hon. gentleman desires it, his request should be acceded to.

The SPEAKER—I understood the hon. gentleman was not insisting, and, therefore, I did not put the question to the House.

REVISED STATUTES AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (148) An Act to amend schedule A to the Revised Statutes of 1906.

He said: The third volume of the Revised Statutes contains a long list of Acts and parts of Acts that have been repealed. Hon. gentlemen will find them in schedule A in the third volume of the recent revise. An error was committed in inserting the Northwest Territories. It was not intended to repeal those Acts as far as Alberta and Saskatchewan are concerned, and the object of this legislation is to correct that error.

Hon. Mr. LOUGHEED—When may we expect a general distribution of the Statutes? It is extremely inconvenient to find the Revised Statutes in force in the absence of the books.

Hon. Mr. SCOTT—They have been distributing them as rapidly as possible.

Hon. Mr. LOUGHEED.—How many have been distributed throughout the Dominion up to the present time?

Hon. Mr. SCOTT—Probably 5,000 or 6,000. How many copies has my hon. friend received?

Hon. Mr. LOUGHEED—One copy.

Hon. Mr. SCOTT—Of course, each senator is entitled to three copies. The fourth volume was not ready when the other three were issued. It was ready about ten days ago, and should have been sent to every one entitled to it. They are turning them out as rapidly as possible. If any hon. gentleman wants a copy now, I will give special orders to have it sent here, but the volumes seem to be distributed the moment they are brought up here.

Hon. Mr. LOUGHEED—I am not alluding so much to the distribution to members of parliament. There is a manifest lack of statutes here, but I am alluding chiefly to the distribution in the country. I find quite a number of complaints coming in from the legal profession of the difficulty of getting copies of the statutes and ascertaining what the law is.

Hon. Mr. SCOTT—The law this year follows the law of 1886 under which the Revised Statutes were distributed, only a little more liberally. In one or two instances they are being given to parties not mentioned in the statutes of 1886. They go to members of parliament, officers of the Crown, stipendiary magistrates, police magistrates, clerks of the peace and so on—any person holding an official position, and then the colleges, universities and public libraries. Individuals in the community, lawyers, for instance, were not named in it. They have to buy the statutes and the cost of the four volumes, I think, is $5.

Hon. Mr. FERGUSON—For the whole four volumes?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—That is very cheap.

Hon. Mr. SCOTT—There is no doubt about that. No profit is desired to be made out of it, but rather a reasonable loss. We want to get the statutes distributed. I shall make inquiry, and will state on Monday how many copies have been issued.

Hon. Mr. LOUGHEED—And how many have been sold.

Hon. Mr. SCOTT—I doubt whether many have been sold, because I have had a number of applications from members of parliament, and have suggested to them to allot one of their own three copies, and in many instances that has been done where they have received appeals for copies. Then judges want extra copies, one for the residence and one for the court house. The most liberal interpretation has been given to the order. My failure is in the direction of liberality in this matter, and I think I have rather exceeded the order in council in the number who have got them, believing that there should be as wide a distribution as is possible.

Hon. Mr. LANDRY—When may we expect the French version to be issued?

Hon. Mr. SCOTT—It will probably be the 1st of July before it is issued.

Hon. Mr. FERGUSON—Did I understand my hon. friend to say that the three copies to each member of parliament have been distributed?

Hon. Mr. SCOTT—No, only one.

Hon. Mr. FERGUSON—When will we get the other two? I let my own copy pass out of my hands for a certain purpose, and I thought I would get the other in a few days. That was nearly three months ago, and I would like to get the other copy.

Hon. Mr. SCOTT—I will ascertain exactly how it stands by Monday, and let the hon. gentleman know.

## TRANSPORTATION BETWEEN LIVERPOOL AND HALIFAX.

### INQUIRY.

Hon. Mr. POWER asked:

1. What proportions of the passage money from Liverpool, England, to Winnipeg, Montreal, Quebec, St. John and Sydney, severally, via Halifax, are taken by the steamship company, the Intercolonial Railway and the Canadian Pacific Railway respectively?

2. On through freight shipped from Liverpool and forwarded via Halifax, to Sydney, Truro, New Glasgow, Moncton and Montreal, sever-

ally, what proportions of the charge for transportation go to the steamship company and to the Intercolonial Railway respectively ?

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that I am ordering an inquiry on the subject, and he will understand that it is a matter in regard to which I cannot obtain the answers offhand. I will have the answers shortly.

## JUVENILE DELINQUENTS BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (FFF) An Act respecting juvenile delinquents. He said : The Bill I have now the honour of submitting to the consideration of the Chamber is somewhat different from the legislation which we have had before us this session. Our legislation has chiefly been with regard to the incorporation of companies having mercenary objects. The main idea in the greater part of our legislation has been the incorporation of transportation and industrial companies with the object of accumulating wealth. The Bill now in the hands of hon. gentlemen proposes to deal with another question, one that is not entirely new, still, in my judgment, an important Bill. It is for the betterment of a large class of the community, the children who are surrounded by an environment that leads to evil, and the purpose of the Bill is to lay down such methods of procedure as may at all events minimize the tendency to crime of children who happen to be unfortunately situated either in houses where the examples before them are not of a high order, or other causes that are tending in the direction of evil. The principle of the Bill is probably well explained in the opening paragraph, which reads as follows:

> Whereas it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts.

Hon. Mr. FERGUSON—I think we understood from my hon. friend that it was not proposed to pass this Bill this session.

Hon. Mr. SCOTT—Not this session, but it was thought desirable that we should elicit an opinion on the subject. It was not intended at first to introduce it this session. In the beginning of the session I introduced a sort of sister Bill that was to accompany it, but some of my colleagues thought it was premature, and that public opinion was not prepared for the legislation, and so it was deferred. Then it was decided that this Bill should be submitted with a view of eliciting opinions, in order that if the opinions were favourable to its being entertained, it should be introduced at the beginning of next session.

Hon. Mr. LANDRY—If the hon. gentleman desires to have the opinion of the Senate on a Bill of this kind, he should postpone it until a time when we shall have a larger attendance. There is nothing at all on the order paper for Monday.

Hon. Mr. SCOTT—I am in the hands of the House. It is more for the purpose of getting it before the public and having it circulated, and the debate can be adjourned at any time.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman desires to give an explanation of the Bill and its provisions, and I would suggest that he give instructions to have a large number of copies printed and circulated in order that persons connected with public institutions may consider it during the recess.

Hon. Mr. SCOTT—That is the idea. It is not an experiment by any means. The system exists in twenty-four states of the American Union. Some three or four years ago, Sweden sent an expert to the United States to inquire into the workings of the system, and it has since been adopted in Sweden, and in Austria to some extent, and in parts of Italy. Similar legislation prevails in Birmingham, England, which is a pretty advanced town, as hon. gentlemen know. Birmingham has been represented by the Hon. Joseph Chamberlain for a long term of years. This treatment of juvenile offenders is one of the evidences of advancement, and in all cases the result has been perfectly marvellous. Surely any reform that tends to diminish the number of criminals that grow up in the country must be one not only of great interest to the community, but one which will save a large

amount of money. It is very much cheaper to reform a child than to keep him in prison as a criminal. That is the fundamental principle of the Bill. I do not know whether any hon. members were present last December when Mrs. Schultz of Philadelphia addressed a body of senators and members in the Railway Committee room of the House of Commons. Any one who heard her description of the working of the law in Philadelphia needs no further argument in support of this Bill. She brought forward the individual cases. She, for a number of years, had been head of the Probation Soviety in that city. She counted by thousands the extraordinary reformations that were made by the methods that are proposed under legislation of this kind. Then, in January last, we had an address from Judge Lindsay of Denver, Colorado, who is known all over the United States with a broad reputation as 'the boys' judge,' or 'the kids' judge.' Simply by the exercise of a sympathetic nature, his personal influence over boys was something almost miraculous. He could do with a boy almost anything he liked. Even when the police would bring up a criminal and say: 'This boy is a very bad boy, he has done wrong and should be in the house of correction,' if the judge decided he ought to go to an industrial school or some reformatory, he would appeal to the boy's sense of honour, and he would order the railway fare to be paid to him to get a ticket to the reformatory. The police would laugh at him and say: 'This boy will spend the money; he will never go there.' Well the judge would say: 'He promised me he would go.' The judge gave us the assurance that he was never deceived. The boy would buy a ticket, under the influence exerted on him, and would go to the reformatory and present himself without a policeman. If a policeman attempted to go he would dodge him. The very fact that a cop, as he is called, was watching a boy, or suspecting a boy, created an aggressive sentiment in the boy's nature, and he resisted, and his whole object was to be even with the policeman. It was an instinct in the character of the boy which, under certain circumstances, ought to be admired. I mention these as illustrations, showing that this Bill is not an experiment. To a limited extent it has been in force in this city under the name of the Children's Aid Society. They have not had the channels for developing it to the extent that this Bill contemplates, but ask the police magistrate or chief constable here and he will tell you it has had a marvellous effect in the city of Ottawa in the limited way it could only be carried on under the laws as they exist to-day. The principle of this Bill was recognized, I may say, as far back as 1894, when the late government placed on the statute-book an Act under the name of 'The arrest, trial and imprisonment of youthful offenders.'

It was then recognized that to imprison boys or girls under sixteen years of age in the ordinary jails of the country was simply to harden them in crime. Unfortunately, at that date, and to a large extent to-day, the opportunities for detaining youthful criminals in detention houses or reformatories did not exist in this country. They do, of course, exist in some centres of population, and grand juries have repeatedly called attention in the past to the unfortunate condition they found in the jails, finding boys chiefly, who had been charged with minor offences, herded with hardened criminals, causing them to graduate in crime, because the evil example was so great that when they came out they were likely to follow the course which had been talked over by the older prisoners in jail. I mention this to show that the idea is not a new one. In 1894 an Act was passed which authorized the Attorney General of New Brunswick to remove any boys then held in the penitentiary of the province to an industrial home, and from time to time that sort of power has been taken to remove youthful offenders from the ordinary jails or penitentaries to reformatories where they exist, otherwise to houses of correction or industrial schools, or some other institution, to get them away from the jail where the evil in their characters was only being hardened and any future chance of reformation was being destroyed. The criminal law was altered in this direction, that justices were authorized to allow juvenile offenders to go on suspended sentence, or on their making compensation, or giving security for their conduct, showing a tendency in the direction that this Bill indicates. Now it may be of use to

know what other men think of this. Certainly we will all admit that President Roosevelt takes an interest in subjects that, usually, those holding the position of President of the United States or occupying thrones do not give much thought or attention to. In his recent address to congress I find the following:

> The District of Columbia government should be a model for other municipal governments of the nation in all such matters as supervision of the housing of the poor, the creation of small parts in the district inhabited by the poor, in laws affecting labour, in laws providing for the taking care of children, in truant laws and in providing schools.
>
> In the vital matter of taking care of children much advantage could be gained by a careful study of what has been accomplished in such states as Illinois and Colorado, by the juvenile courts. The work of the juvenile court is really a work of character building. It is now generally recognized that young boys and girls who go wrong should not be treated as criminals, not even necessarily as needing reformation, but rather needing to have their characters formed, and for this end to have them tested and developed by a system of probation.
>
> Much admirable work has been done in many of our commonwealth by earnest men and women who have made a special study of the needs of those classes of children which furnish the greatest number of juvenile offenders, and therefore the greatest number of adult offenders, and by their aid, and by profiting by the experiences of the different states and cities in these matters, it would be easy to provide a good code for the District of Columbia.

On another occasion he was addressing a Colorado audience, where this law exists, and I will give a short extract from his remarks there:

> Just one word on the future of the country—the country as it will be twenty or thirty or forty years hence. A good deal depends on how we handle business, how we do our great industrial work, how we handle the farms and ranches, but what counts most is the kind of men and women that there are at that time in the country. No nation is safe unless in the average family there are healthy happy children. If their children are not brought up well they are not merely a curse to themselves and their parents, but they mean the ruin of the state in the future.

Now those lines are certainly worthy of very great thought and attention. They indicate what might happen when we have passed away in forty or fifty years from now. It will be a gratification to those of us passing away from this world if we have laid down laws on that line, to make the people better, and if the generation coming after us should be an improved one, and certainly that is possible, this is one of the many avenues through which that end can be accomplished. Now, Judge Lindsay, of whom I spoke of a few minutes ago, who is known as the head of the juvenile court in Denver, Colorado, said on this subject:—

> The juvenile law is a good thing, but there can be little chance for its entirely satisfactory operation unless it be accompanied by the following: a law holding parents and others responsible for delinquency and dependency of children, as such laws now exist in Colorado; a wise child labour law; a good compulsory school law; a detention school in cities in place of the jail; the enforcement of all laws relating to children in one court before one judge, and a corps of paid and efficient officers who are sincere and earnest in their work.

The Bill is on this basis. It is an old saying that poets are born not made. It is just the reverse with children. Children are not born criminals; they are made criminals by the environment by which they happen to be surrounded. Remove the environment and the child grows up an entirely different character. We all know that a wise man said long ago, as the twig is bent the tree is inclined, and so it is with the characters of children. They are plastic, like clay, and can be modelled in any direction. It simply depends on those who have the care and charge of them. One of the features of this Bill is that where parents or guardians neglect to look after their children properly, and set them a bad example, they can be punished. If a drunken father comes home and beats his wife and abuses his children, the officers remove the children to what is called a detention house under the control of what are known as probation officers. Of course, the success of a measure of this kind depends entirely on the people who have the administration of it. A cold, unsympathetic judge, one who did not feel any interest in the children brought before him, a judge who would dispose of them as judges usually do, according to the law of the land, pronouncing formal words of censure and condemning crime, is not the one to reform them. To reform children you must touch them in a tender spot; they must recognize that you have a sympathy for them. Unless a man shows his fellow men that he has an earnest sympathy for them, he

cannot expect to win their confidence or support, or win an offender over to live an improved condition of life. There is this peculiarity about it; in every county there should be an individual judge who is chosen for this particular work, a head of the child's juvenile court. There is this happy feature in human nature, and it has been demonstrated in my own experience. Take a judge whose antecedents may not have been in that direction and I venture to say that after holding such a position and finding that he has succeeded in reforming juvenile criminals, he would develop into a sympathetic man, just as Judge Lindsay did, and he would in that way gain a marvellous control over children that could not be appreciated by any one who had not studied human nature to the same extent. Then take the probation officers; they must be persons with exactly similar characteristics, sympathetic in every way, showing the child that it is his own interests they are looking to, his own improvement, his own advancement, and in that way winning his confidence, doing it all by tenderness, and by the exercise of those qualities that necessarily win over and attract those who are being dealt with. Those officers, in the same way as with a judge, grow up, so to speak, to the duties that are imposed on them. They take an interest in the work necessarily, because they feel they are accomplishing something. One does not take an interest in work unless he has results; but if you see marvellous results, more particularly in morality, purity of life and elevation of thought, it is natural for the probation officer to develop a greater interest day by day in the youth brought under his care. I do not know that it is necessary for me to say anything more about it. As I explained in the beginning, the purpose is to bring this question before the people of Canada. It is, in a limited degree, now before them. Great progress has been made in the province of Ontario, where they have laws, as far as they are permitted to exercise them, in the direction I am indicating, and it is under Ontario Statutes that the Children's Aid Societies exist in Toronto, Ottawa and other places. The province of British Columbia has made some progress in this good work, and so has the province of Manitoba, and I think the province of New Brunswick also.

Hon. Mr. POWER—And Nova Scotia.

Hon. Mr. SCOTT—It may also be Nova Scotia, so it is not altogether a new subject. It is new probably to the parliament of Canada. It is necessary that legislation should be had here for parliament, of course, deals with the criminal law, and the criminal law is under the jurisdiction of this parliament. The limited operation it has had outside of the criminal law has been confined to those minor offences that are recognized as penalties and punishments under provincial statutes. With these few observations, I submit the subject for the consideration of this Chamber, in the hope that the opinions may be so freely expressed that we will be warranted in submitting a Bill for actual acceptance in another session.

Hon. Mr. LOUGHEED—Do I understand my hon. friend to now move the second reading of the Bill?

Hon. Mr. SCOTT—Yes, I move the second reading.

Hon. Mr. MACDONALD (B.C.)—Does the Bill make any provision for dealing with the parents ? They are the source of the whole evil, and, again, the municipalities do not carry out the law. The police are lax, the municipalities are lax and the parents are really the source of the evil. I know that many parents cannot help it, living in small houses, the father out at work all day and the mother busy in the home, and the children are on the street and get into mischief. The Bill should reach the parents first to get at the source of the evil.

Hon. Mr. SCOTT—I omitted that element as I did not wish to detain the House too long, but it distinctly provides for cases where the parents or those in charge of the child, are in any way responsible. They are punished. In fact one of the principles on which the Bill is founded, shortly is this—that parents should be held criminally liable for bringing to delinquency any children, &c.

Clause 26 of the Bill is as follows :

**Any person who knowingly or wilfully encourages, aids, causes, abets or connives at**

the commission by a child of a delinquency, or who knowingly or wilfully does any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian of the child, or who, being the parent or guardian of the child and being able to do so, wilfully neglects to do that which would directly tend to prevent a child's being or becoming a juvenile delinquent, or to remove the conditions which render a child a juvenile delinquent, shall be liable on summary conviction before a juvenile court or a justice, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

Hon. Mr. LOUGHEED—I should like to make a few observations with reference to this Bill, but as the wish of the House was expressed at the moment my hon. friend introduced the Bill, it would probably be meeting that wish if I moved the adjournment of the debate until Monday next.

Hon. Mr. CLORAN—I may not be here on Monday, and I wish to tell the hon. Secretary of State, as representing the largest judicial district in Canada, containing between five and six hundred thousand souls, he need not consider this Bill one moment too premature. The sooner it goes on our statute-book the better. This Bill affects communities like the city of Montreal and large centres of population, and I know from experience that this Bill, or something in the nature of this Bill, should have been on the statute-book long ago. In fact our police authorities have taken it on themselves to give our youthful delinquents private trials, &c., so that the hon. Secretary of State, as far as the city of Montreal and the province of Quebec are concerned, will find us at one with him. I am only sorry that he has not pressed the Bill to its passage to-day, because it is a measure essentially just and necessary for the social conditions of our youth.

Hon. Mr. POWER—As I understand, the hon. gentleman from Calgary has moved the adjournment of the debate.

Hon. Mr. CLORAN—I have simply asked permission to state this much, as I expect to be absent on Monday when the Bill comes up for further consideration.

The SPEAKER—I would suggest to the hon. gentleman that he might request that the debate be not closed on Monday, but that it be continued the following day.

Hon. Mr. SCOTT.

Hon. Mr. CLORAN—My object is simply to assure the hon. Secretary of State that he need have no hesitation in pressing the Bill this session.

The motion was agreed to.

## ADULTERATION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (127) An Act to amend the Adulteration Act. He said: In moving the second reading of this Bill, I desire to state that the changes are not very material. The first change is to add the word 'public,' in order to cover outside analysts. It was held that the law as it stands did not relate to analysts outside of Ottawa, and, therefore, this clause is amended as I have indicated. The next change takes power to appoint an assistant chief analyst. There is an assistant analyst in Ottawa who makes a great many analyses, but whose evidence cannot be received, because he has not the official standing under the Act, and this is for the purpose of giving the assistant chief analyst power to perform the work done by the analyst at the laboratory, as if it were done by the chief analyst. Mr. McGill has been assistant to the chief analyst for twenty years, but he has had no power whatever, and in the absence of the chief analyst through illness or other cause, there was no head to the branch. In the committee, when we take up the Bill, clause by clause, I shall be glad to make further explanations.

The motion was agreed to, and the Bill was read the second time.

## OTTAWA LIFE INSURANCE COMPANY BILL.

### COMMONS AMENDMENTS CONCURRED IN.

On the Order of the Day being called :

Consideration of the amendments made by the House of Commons to Bill (AA) An Act to incorporate the Ottawa Life Insurance Company.

Hon. Mr. POWER (in the absence of Hon. Mr. Kerr) moved concurrence in the amendments.

Hon. Sir MACKENZIE BOWELL—To what extent do the amendments go ? One

of them changes the capital. The Senate fixed the capital at one million dollars, and, if I am not mistaken, the Commons have reduced it to five hundred thousand, and carried out the idea of the superintendent of insurance; and instead of making seven directors a quorum requiring that a majority of the directors shall be a quorum. I do not want to object, but I wish to point out the difficulty of practically working a company under such an arrangement. In the Bill, they provide for the appointment of eleven directors from the policy-holders and eleven from the shareholders, making a board of twenty-two. So that under this amendment, you would require to have twelve directors present to constitute a quorum. Any one who has had practical experience in the management of such companies will understand at once how difficult it will be to get a quorum to do any business, particularly when half the directors are appointed from among the policy-holders, some of whom may live at a distance from headquarters. If the parties who are interested are satisfied, I do not know that I shall take any objection.

Hon. Mr. POWER—I quite see the difficulty indicated by the hon. senator from Hastings, but, as I understand, the amendments made to this Bill and other insurance Bills have been at the instance of the government Department of Insurance and have been accepted by the promoters of the Bill, so there is really no option.

The motion was agreed to.

## GOLD AND SILVER MARKING ACT AMENDMENT BILL.

### COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. GIBSON moved concurrence in the amendment made by the House of Commons to Bill (UU) An Act to amend the Gold and Silver Marking Act.

He said: The amendment made by the Commons to this Bill reads as follows:

Page 1., line 3.—Leave out section 1 and insert the following in lieu thereof:—

'1. Section 2, of Chapter 90 of the Revised Statutes, 1906, respecting the sale and marking of manufactures of gold and silver, is repealed and the following section is substituted therefor:—

'2. This Act shall come into force on the thirteenth day of March, one thousand nine hundred and eight.'

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman explain what the effect of the amendment is?

Hon. Mr. GIBSON—The Bill was sent to the Committee on Banking and Commerce in the House of Commons, and several days were spent in discussing it. It was finally moved by Mr. Kemp, of Toronto, and unanimously agreed to—I happened to be present at the time—that they would recommend to the House the postponement of the coming into force of the Act for eight months, so that by next session of parliament an opportunity would be given to both Houses of discussing the merits of the amendment to the Bill.

Hon. Mr. POWER—The hon. gentleman perhaps has not made clear to the House just what was done in the other Chamber. The truth is that the amendment which the hon. gentleman proposes for concurrence simply wipes out the Bill which we passed. Instead of amending what we have done, they provide that the original Act which is now on the statute-book shall not go into operation until next year.

Hon. Mr. LOUGHEED—Reading the amendment as it appears on page 716 of the minutes, I should not be disposed to think that that was the effect of it. I have not looked at it critically, but it seems to me they have passed the Bill which was introduced in this House, and have added to that Bill an amendment providing that the Act shall not come into force until the 13th March, 1908.

Hon. Mr. POWER—There is only one clause in the Bill, and it strikes that out.

Hon. Mr. LOUGHEED—They would seem to have passed the Bill which was sent to them from the Senate, and which amended the ten karat standard, by reducing it to nine.

Hon. Mr. POWER—No.

Hon. Mr. LOUGHEED—Is clause one the clause which we passed?

Hon. Mr. Power—Yes, that is the only clause in the Bill.

Hon. Mr. FERGUSON—I think it is an excellent amendment. It rejects the sole clause of the Bill and inserts a provision that the original Bill shall be delayed for some little time before coming into operation.

Hon. Mr. SCOTT—The fact of the matter is, that the trade are divided in regard to this measure. Hon. gentlemen may recollect that we had a division in this Chamber as to whether the standard should be nine or ten karats, and it is with the object of ascertaining how it is going to affect the majority. It is probable a compromise may be made between the manufacturers and the importers before another session, and in that way we shall be advised of what is best to be done with it.

Hon. Mr. FERGUSON—The message from the House of Commons simply states that they disagree with the Bill which we passed this year, and have postponed the coming into operation of the Bill of last year.

The motion was agreed to on a division.

## BILL INTRODUCED.

Bill (145) An Act to amend the Criminal Code.—(Hon. Mr. Scott.)

## WINDING-UP ACT AMENDMENT BILL.

A message was received from the House of Commons with Bill (147) An Act to amend the Winding-Up Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Monday next. He said: The necessity for this measure arises in this way: In the winding-up of the unfortunate York Loan and Savings Company where some thousands of parties would have to be heard and represented, servant girls, labouring men and others who have contributed sums of thirty, forty and fifty dollars, it is absolutely impossible that each one should be represented, and this Bill is to appoint some one to represent each class. For instance, unmarried women, who were large contributors in the aggregate.

Hon. Mr. LOUGHEED—I should think the court could have done that without this legislation. Such a thing has been done in other cases.

The motion was agreed to.

## RESIDENTIAL FIRE INSURANCE COMPANY'S ACT AMENDMENT BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (161) An Act to amend the Act of the present session incorporating the Residential Fire Insurance Company.

The Bill was read the first time.

Hon. Mr. POWER—In the absence of the hon. gentleman from Kingston, who has charge of the Bill, I move that the Bill be read the second time on Tuesday next.

Hon. Mr. LANDRY—This is a private Bill. I do not know if the Standing Orders Committee have made a report on it.

Hon. Mr. POWER—This is a Bill making a trifling amendment to the Act passed during the present session.

Hon. Mr. LANDRY—It is a new Bill.

Hon. Mr. POWER—Yes.

The SPEAKER—The point can be raised at the second reading. If the point is well taken, there can be no second reading.

Hon. Mr. LANDRY—I suppose I will be within my rights on Tuesday next?

The SPEAKER—Yes, if the point is well taken.

Hon. Mr. LANDRY—I will not be prevented from taking the point?

The SPEAKER—Oh, no.

## PROVINCIAL SUBSIDIES.

### A MESSAGE FROM THE COMMONS.

The SPEAKER—I beg to inform the House that I have received a message from the House of Commons requesting:

That the Senate return the address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures

Hon. Mr. SCOTT—This is the message which I foreshadowed yesterday or the day before. It appears it is necessary to make a change in the address that was adopted by the House of Commons, and which is now on the Table of this Chamber. I presume we are all interested in having the address corrected if there is an error in it, as I believe there is. I hope, therefore, the House will not object to the message being answered by returning to the House of Commons the address. I therefore move that the address be returned to the House of Commons, as requested by them in this message.

Hon. Mr. LANDRY—I think we are out of order altogether. I call the hon. gentleman's attention to page 324 of Bourinot. This address is on the order paper for Monday, if I understand aright.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—And the hon. Secretary of State wants to make a motion to send back the address to the House of Commons for further consideration, as recited in the message that we received to-day. Well, as the House has pronounced on that question in this way, that it was placed on the Orders of the Day for Monday, I do not think we can take it out of the Orders of the Day before Monday. Bourinot, at page 334 says :

> The rule which requires a strict adherence to the order paper, is absolutely necessary to prevent surprises. So rigorously is it enforced in the imperial parliament that even when it has been admited that a day has been named by mistake and no one has objected to the appointment of an earlier day, the change has not been permitted. It is quite irregular, even if a member proposes to conclude with a motion, to introduce and attempt to debate a subject which stands on the orders for another day.

Hon. Mr. SCOTT—Quite correct. There is no doubt about that. It was with a view of facilitating the time when the House may rise. It is not a controversial question in any sense. We will have it back here much more quickly if we send it down at once, than if we wait till Monday. We should exercise some little wise discretion in yielding to the proposal of the House of Commons, because if we only carry it on Monday, they will not take the matter up till Tuesday, and it may not come here till Wednesday or Thursday, which we all recognize may be rather unfortunate, because it may delay prorogation.

Hon. Mr. LANDRY—The hon. gentleman was notified in advance.

Hon. Mr. SCOTT—I could not tell when this would come.

Hon. Mr. LANDRY—Neither could I.

Hon. Mr. SCOTT—The House was anxious to take this subject up, and I therefore named Monday. At the same time I stated to the House that there was an error in the address, and that the House of Commons had before it then a message proposing to ask the Senate to return this address. If my hon. friend objects——

Hon. Mr. LANDRY—I do not object for the purpose of objecting ; but it is a very serious question as a matter of procedure. We are asked to deprive ourselves of a document in our possession which is placed on the Orders of the Day, and we are asked to do so by a message which gives no reason for the request. I think it is a very grave question. It is a question which we should have time to study. I will not object on Monday, even if the hon. gentleman does not give any notice, but I think it is not fair to have us discuss it immediately without giving us time to study the whole question.

Hon. Mr. SCOTT—I move that the Order of the Day for taking up the consideration of the address on Monday next be discharged, and that the message from the Commons be taken into consideration on Monday.

Hon. Mr. LANDRY—We cannot discharge the orders for Monday.

Hon. Mr. SCOTT—We will discharge it on Monday. I give the notice now.

Hon. Mr. FERGUSON—I think the government is very negligent in this matter. As early as Tuesday of last week it came to their knowledge that grave error had crept into the address, and they put off the Order of the Day twice and sent it over till Monday next, without taking any action. It is certainly very undesirable that this address should be held over till the end of the session. I discovered the error on Monday last, and the Manitoba members called the attention of the government to it on Tuesday. On Tuesday it was discussed in the House, and the order was postponed till Monday. The government should have acted earlier.

Hon. Mr. SCOTT—It was intended to send it up yesterday, but with the pressure of work in the other House, it was impossible to reach it.

Hon. Mr. LOUGHEED—Do I understand that the message which has been sent down

is silent as to the reasons why it should be returned ?

Hon. Mr. SCOTT—Yes; as I read it, it gave no intimation of what the error was.

Hon. Mr. POWER—If hon. gentlemen will look at the position of matters, I think they will see that the request of the House of Commons is not an unreasonable one. They sent us a message, which lies on our table. We have done nothing with it, and now they have found that they had made a mistake of some kind, and they ask us to return the message.

Hon. Mr. LANDRY—Do they acknowledge they made a mistake ?

Hon. Mr. POWER—I assume that. They ask to get back what they sent here. I think the courtesy which should exist between the two Houses should lead us to immediately comply with their request.

Hon. Mr. LANDRY—It is not a question of courtesy at all ; it is a question of procedure. I will not object to send it back when it comes up in its order, but I say it cannot be considered to-day. Our Orders of the Day are fixed for Monday, and you cannot discharge to-day the orders for Monday. They can be dealt with on Monday.

Hon. Mr. ELLIS—Why could we not comply with this request now, and discharge the order on Monday?

Hon. Mr. LANDRY—Because the rule says that we cannot anticipate a debate on a question which is placed on the Orders of the Day for a future time.

Hon. Mr. POWER—This is not really anticipating the debate on the address, which is on the Orders of the Day, but postponing it. The authority which the hon. gentleman read was in a case where there was an attempt made to anticipate the discussion; but this is to postpone, and there is this fact: The hon. Secretary of State is in charge of the government business of this House. He has a right to say, with respect to any particular item, 'I do not propose to proceed with that to-day,' or he can say, 'I do not propose to go on with it at all. I propose to abandon it.' The Secretary of State has agreed to postpone this matter till Monday, but, in my humble opinion, there was no substantial reason, under our practice, why what the hon. Secretary of State asks should not be done at once.

Hon. Mr. FERGUSON—I do not think that a precedent can be found anywhere for asking that an address of this kind be returned. It has been sent to this House, asking our assent to it, and we can either assent to it, or disagree with it, but I have looked in vain over all the parliamentary books that I know of to find any precedent for such an application as this. I do not say at the same time that I would oppose it, but I would suggest to my hon. friends in the government that I think their better course is to begin afresh with a new address in the other House, because this message was not started in the right way. There was no message from the Crown. They will have to begin at the beginning and bring down a new address.

Hon. Mr. SCOTT—That is what we intend to do, but, in order to be consistent, we had better return this address.

Hon. Mr. FERGUSON—They can drop it here. It has been a series of blunders from beginning to end. In the first place, there was no message from the Crown on which to base it, and then resolution (C), of the Interprovincial Conference of 1906, dealing with the census of the four western provinces was left out, and now we are asked to return this address, for which there is no precedent. Let the address be dropped, and let the government begin afresh in the other House.

The SPEAKER—The hon. gentleman raises the question as to there not being a message from the Crown.

Hon. Mr. FERGUSON—I am just pointing that out.

The SPEAKER—Because in regard to the other House asking us to return this message, I will draw attention to Bourinot, page 685, which reads as follows:

> Sometimes mistakes are discovered in Bills after they have been sent up to the other House. For instance, Bills may be sent without having passed all their stages, or without certain amendments that had been made therein. When a Bill has been sent up by mistake to the lords without certain amendments, a

message has been transmitted to that House asking them to make the necessary amendments, either by adding the requisite provisions, or by expunging certain clauses or parts of clauses.

When a Bill has been sent up without having been read a third time, a message has been received for its return, and in such a case if the House agree to the request, the Bill will be discharged from the orders. On another occasion, when several amendments made by the Commons were not in the Bill sent to the lords, the former have transmitted a correct copy of the Bill. In the session of 1875, a Bill 'to incorporate the Royal Mutual Life Assurance Company of Canada,' was amended in the Senate and sent back to the Commons, where the amendments were concurred in. Subsequently the House of Commons was informed by message that the amendment to the title had been inadvertently left out in the copy of the Bill sent back to the Commons, and requesting that leave be given to the proper officer of the Senate to supply the omission. It was accordingly resolved by the House to give the necessary leave, and a message was returned to that effect. Then the omitted amendment was considered and regularly agreed to. This is the ordinary practice now, in the case of an amendment being omitted in any Bill. But when a Bill has been sent to the other House without having passed through all the necessary stages, a message must be sent for the return of the Bill; and when it has been brought back, it will be taken up at its proper stage and passed in due form—the standing orders being suspended when necessary.

Hon. Mr. FERGUSON—I am quite well acquainted with the extract the Speaker has read, but it deals with cases where the error occurred in the other House. In this case the error did not occur in the other House. The address, as it comes to us, is exactly the address of which notice was given, for every word of it was spread out on the order paper of the House of Commons, just as it was prepared by the government. It is not a case of error in the other House. If there is an error, it occurred in the Department of Justice, and this quotation from Bourinot has no bearing on the case.

Hon. Mr. SCOTT—Exception was taken to my moving the return immediately. Then I consented to give notice that I would move to discharge the Order of the Day for Monday, containing a reference to this particular subject, and to move that the address be returned to the House of Commons.

The SPEAKER—Then the message will be taken into consideration on Monday.

The Senate adjourned till three o'clock on Monday next.

## SENATE.

OTTAWA, Monday, April 22, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### YUKON TERRITORY ORDINANCES.

Hon. Mr. SCOTT—I beg to lay on the Table certain ordinances relating to the miners, which require to be presented to the House before the close of the session.

Hon. Mr. LOUGHEED—That is of the Yukon territory.

Hon. Mr. SCOTT—Yes. There are two documents. One is an extract from report of committee of Privy Council, relating to mining in the Yukon territory, and the other is relating to streams and lakes in the Yukon.

Hon. Mr. MACDONALD (B.C)—The hon. Secretary of State was blocked last session in the House by not having the rules suspended at the proper time, and I would advise him to give notice to suspend all the rules respecting government measures for the remainder of the session. If he does not do that, my hon. friend to my right (Hon. Mr. Landry) will be on his feet to stop the proceedings.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. SCOTT—I think I shall trust to the courtesy of the House, and of my hon. friend in particular, that public business will not be blocked unreasonably, and that we will not be asked to delay any measures unless there are grounds for it and hon. gentlemen desire to more fully inquire into it. I do not like to make a sweeping order. I should rather depend on the courtesy of the House.

Hon. Mr. LANDRY—I think the hon. gentleman (Hon. Mr. Macdonald, B.C.) should not forget that he came here late in the session, and it would be to his interest if the legislation were a little prolonged.

Hon. Mr. FERGUSON—There should be courtesy to the House as well as courtesy from the House? It is four weeks since the address with reference to the subsidies passed the House of Commons, and we have still not reached it, and probably will not for days yet, and then we will probably

have it brought down when the usher is announcing that His Excellency is at the door. I want to give my hon. friend notice—I have given it once already—that I desire time to discuss that measure.

Hon. Mr. SCOTT—My hon. friend will have ample time I am sure. Perhaps he will assist me to-day in having the address returned at once to the Commons. I should like to have had it returned on Friday, but I was rather blocked and hon. gentlemen took advantage of the occasion.

Hon. Mr. FERGUSON—The hon. gentleman put it off till Monday himself.

Hon. Mr. SCOTT—I was obliged to put it off till Monday, because it was objected to.

## PASSENGER AND FREIGHT RATES ON INTERCOLONIAL RAILWAY.

### INQUIRY.

Hon. Mr. POWER inquired of the Right Honourable the Minister of Trade and Commerce :

1. What proportions of the passage money from Liverpool, England, to Winnipeg, Montreal, Quebec, St. John and Sydney, severally, via Halifax, are taken by the steamship company, the Intercolonial Railway and the Canadian Pacific Railway respectively ?

2. On through freight shipped from Liverpool and forwarded via Halifax to Sydney, Truro, New Glasgow, Moncton and Montreal, severally, what proportions of the charge for transportation go to the steamship company and to the Intercolonial Railway respectively ?

Hon. Sir RICHARD CARTWRIGHT—On best information obtainable, the answer is as follows :

1. Halifax to Winnipeg first class, $41.75. Intercolonial Railway proportion to Montreal, $7.50 ; Canadian Pacific Railway, $34.25. If routed via St. John, Intercolonial Railway proportion, $2.72 ; Canadian Pacific Railway, $39.03. Second class—$19, which applies via St. John only ; Intercolonial Railway proportion, $2 ; Canadian Pacific Railway, $17 ; Halifax to Montreal, first class, $7.50. If routed via St. John, Intercolonial Railway, $2.72 ; Canadian Pacific Railway, $4.78. Second class, $5.50. If routed via St. John, Intercolonial Railway, $2 ; Canadian Pacific Railway, $3.50. Halifax to Quebec, first class, $7.50. Second class, $5.50 via Intercolonial Railway only.

2. In regard to freight rates, there are no through rates quoted ; but the rates charged on all traffic delivered at Halifax to all points on the six classes as covered by classification are at the following rates :

Halifax to Sydney—32, 28, 24, 20, 16, 14 cents per hundred pounds.

To Truro—16, 14, 12, 10, 8, 7 cents per hundred pounds.

To New Glasgow—22, 19, 17, 14, 11, 10 cents per hundred pounds.

To Montreal—26, 23, 20, 18, 15, 13 cents per hundred pounds.

Hon. Mr. POWER—I did not catch what proportion of passage money was paid to steamship companies.

Hon. Sir RICHARD CARTWRIGHT—I just gave the information that was furnished me from the Railway Department. I do not think that part of my hon. friend's question is included in it.

Hon. Mr. POWER—That is a very important part.

Hon. Sir RICHARD CARTWRIGHT—I will try and get the further information.

The notice was allowed to stand.

## INCREASED SUBSIDIES TO THE PROVINCES.

### MOTION.

The Order of the Day being called :

Consideration of the message from the House of Commons, informing the Senate that thay have passed an address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures ; and requesting the Senate to unite with the House of Commons in the said address, by filling up the blank therein with the words 'Senate and.'—(Hon. Mr. Scott.)

Hon. Mr. SCOTT moved that the Order of the Day be discharged, and that the following motion be substituted therefor:

That the request sent up from the House of Commons for the return to that House of the address to His Majesty the King on the subject of the increased subsidies to the provinces, be forthwith agreed to and returned to the House of Commons.

Hon. Mr. FERGUSON—When this address received its treatment from the House on Tuesday and subsequently on Friday

last, I took the liberty of pointing out to my hon. friend that it would be necessary, in my opinion, for the government to begin afresh in the other Chamber, as I did not think the course being pursued by means of a message and asking for the return of the address was in accordance with parliamentary practice. His hon. the Speaker read to the House at our last meeting from Bourinot, page 685, in relation to the mode of correcting mistakes during the progress of a Bill:

> Sometimes mistakes are discovered in Bills after they have been sent up to the other House. For instance, Bills may be sent without having passed all their stages, or without certain amendments that had been made therein. When a Bill has been sent up by mistake to the lords without certain amendments, a message has been transmitted to that House asking them to make the necessary amendments, either by adding the requisite provisions, or by expunging certain clauses or parts of clauses.
>
> When a Bill has been sent up without having been read a third time, a message has been received for its return, and in such a case if the House agree to the request, the Bill will be discharged from the orders. On another occasion, when several amendments made by the Commons were not in the Bill sent to the lords, the former have transmitted a correct copy of the Bill. In the session of 1875, a Bill 'to incorporate the Royal Mutual Life Assurance Company of Canada,' was amended in the Senate and sent back to the Commons, where the amendments were concurred in. Subsequently the House of Commons was informed by message that the amendment to the title had been inadvertently left out in the copy of the Bill sent back to the Commons, and requesting that leave be given to the proper officer of the Senate to supply the omission.

On page 475 of the 10th edition of May, a similar rule is to be found. I have taken the footnotes in May and Bourinot which refer to 18 cases in the British parliament and in the parliament of Canada, regarding messages which passed between the two Houses for the purpose of correcting mistakes and I find that not one of these refers to a situation such as this, where no mistake is alleged in the message. They have all reference to cases where a mistake has been made in the House sending a message, and, consequently, they ask that it may be sent back to rectify such mistake, and the message has set forth in all cases the fact of the error or mistake being made, but in this case they simply ask us to return a Bill for further consideration.

Hon. Mr. POWER—But this is not a Bill.

Hon. Mr. FERGUSON—No, it is an address, and the difficulty is as great as in the case of a Bill, because when one House gives its assent to an address it performs its part, and it only remained for the other House to perform its part, so I think the difficulty is practically the same. I might point to a case that occurred in England, when Lord John Russell was in the House of Commons where an address was agreed to by a thin House, of which the majority of the House did not approve, and difficulty was felt in moving another address. They did not do it, but Lord John Russell recommended that the House should change its rules so as to take the same care in dealing with an address as in the case of a Bill, so that it could be considered at several stages; his suggestion was that addresses should be sent to a committee in order to prevent difficulty of that kind occurring. With regard to Bills, we know the parliamentary law is, that when a Bill has been assented to by one House and sent to the other, if it is assented to, that ends it and the Bill becomes law on receiving the assent of His Majesty. If an amendment is made in the House to which the Bill is sent, and it is returned to the House in which it originated, that House can only deal with the amendments made or consequential amendments rendered necessary in order to work the amendments into the Bill without producing incongruities and inconsistencies.

All this points to the fact that when the judgment of one Chamber is passed on a measure, that Chamber is done with it unless the other House deals with it and amends it. Hon. gentlemen are aware of the rule of parliament, that the judgment of the House must stand, and this decision is found in volume one of the English House of Commons Journals, which reads this way:—

> That a question being once made and carried in the affirmative or negative cannot be questioned, but must stand as a judgment of the House.

And so firm has that been held that on two occasions, in order to get over that difficulty, the parliament of England was prorogued to admit of another Bill being introduced. I have gone over these eighteen cases of messages referred to, but I

will not take up the time of the House by reading them. They are all referred to in footnotes in Bourinot, page 685, and May, page 475, I have all those passages marked, and I find there is not in any one of these cases a situation similar to that which we now find blocking us, where no mistake is alleged in the message. In all these cases errors occurred in the House which caused the application to have the measure returned. These errors were alleged, they were pointed to, and the return of the Bills was asked for for the purpose of correcting what were plain and manifest errors. In the present case, no reason at all has been given; we are simply requested to send back this message for further consideration by the House of Commons. I have failed—perhaps other hon. gentlemen may be more successful—to find a precedent in British parliamentary practice or in the Canadian practice, for what we are now asked to do. I have several cases under my hand in the old parliament of Canada, and two cases occurred since these editions of Bourinot have come out. one in this House and one in the House of Commons ; in each case the mistake was rectified. That is common and and can be done, and is administered under the rules of both Houses of parliament ; but it is not alleged that any mistake had occurred in this case. It is not for the purpose of correcting an error, but for the purpose of allowing the other House to take the address into what they call 'Further consideration.' I have looked over this address very carefully, and I do not think that it is free from errors. There are very serious errors in it, but I do not think that they are errors that occurred in the House of Commons, and that is a necessary requirement in order to bring the matter within the parliamentary rule, as quoted from Bourinot, page 685, I have taken the address, and looking it over I find several cases of what I consider to be very plain and palpable errors.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—But as I said before, they did not occur in the House of Commons. I find that this address is rather remarkable for the omission of a resolution agreed to at the conference of 1906. I find on page 4 of the report of that conference the following resolution :

> C. The population as ascertained by the last decennial census to govern, except as to British Columbia, Manitoba, Saskatchewan and Alberta, and as to these four provinces the population to be taken to be that upon which under the respective statutes in that behalf, the annual payments now made to them respectively by the Dominion are fixed, until the actual population by the census ascertained to be greater, and thereafter the actual population so ascertained to govern.

I find that resolution is as passed by the conference which met in November last, but I find that it is not contained in the address, but that was not a mistake of the House of Commons. The mistake was on the part of the government.

Hon. Mr. SCOTT—There is no mistake there.

Hon. Mr. FERGUSON—My hon. friend says there is no mistake there. I have no doubt but my hon. friend is sincere when he says so, but it only shows that he has not examined this question or he would not make that statement. He simply does not know or he would not make that statement. This resolution was one of the resolutions of the conference, and it has to be put in this address, and it will have to be put into it somewhere before it will be an address such as the parliament of Canada can pass, and my hon. friend says that no mistake was made. A mistake was made, and let me tell my hon. friend that this clause that I have read will have to find its place in this address in some form, before it can pass by the two Houses of parliament. Now I point to that as an undoubted mistake of the House of Commons. It was a mistake that was made in the Bill where it originated, and before it reached the House of Commons. I know that, because the address was spread out on the order paper, and this resolution 'C' was not in the notice, and consequently did not find its way into the address. My hon. friend, the Secretary of State, says that no mistake has been made. I presume he is defending the House of Commons, but I was not laying the charge against the House of Commons, but against the Department of Justice and the government. My hon. friend says that no mistake was made in leaving out 'C.'

Hon. Mr. SCOTT—Yes, I said so.

Hon. Mr. FERGUSON—Let me tell the hon. gentleman that without such provision the western provinces of Manitoba, Saskatchewan and Alberta will all have to fall back on the decennial census of 1901 in the matter of computing, and in getting their per capita allowance for the added section 'd' is not adequate. That is my contention, and that without that, resolution or words equivalent to it, to legalize the quinquennial census held in the western provinces. The address will not be complete, the provincial conference. Section A of the resolutions reads as follows :

Instead of the amounts now paid, the sums hereafter shall be payable yearly by Canada to the several provinces for the support of their governments and legislatures to be according to population and as follows :

Then follows a scale of annual allowances. I would ask my hon. friend since he was so ready to deny a few minutes ago that a mistake had been made in omitting a resolution 61—will he please inform me or inform the House how these allowances in section A, are to be computed? On the decennial census or on the quinquennial census? It says the allowances shall be based on population, but it does not say how that population is to be ascertained. In three of the western provinces, census are taken quinquennially, and provision is made that an estimate shall be made in the middle of each quinquennial period, practically a census for every two years and a half. There is no provision as to how these allowances are to be computed, whether by periods of two years and a half, or by the decennial census. I submit that section A is also wrong, but that is not a mistake that occurred in the House of Commons. I find it on the notice paper as it was given by the Premier. It was a mistake that belonged to the Bill before its introduction. Hon. gentlemen will now understand that I am trying to help the government out, and to ascertain whether any error occurred in the House of Commons or not, which would warrant the sending back of the address to that Chamber. But as this was not a mistake of the Commons, the message does not allege any error Now I turn to another resolution which forms part of the address. It is section D. The Premier also gave notice of section D, and it became part of the Address, and it reads:

Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada or the right of any province to payment of any special grant heretofore made by the parliament of Canada to any province for any special purpose in such grant expressed.

I have already pointed out that section A provides that instead of the amounts now paid to the provinces for government and legislation, a certain scale of payments should be made hereafter. Then we find section D saying : 'Nothing herein contained should in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion.' To illustrate, British Columbia came into the Dominion with $35,000 a year for legislation and government. Under section A of this address British Columbia will be entitled to $150,000 on the census of 1901. But section D says : 'Nothing herein contained shall in any way affect the terms special to any particular province.' I will read the terms special given to British Columbia :

The following sum shall be paid by Canada to British Columbia for the support of its government and legislature, to wit, an annual subsidy of $35,000.

That is what is in the special terms, provided, and then the address provides that on the present basis of population, 178,000, British Columbia shall receive $150,000; but it goes further and says in section D that nothing in this section shall supersede or affect the terms special under which any province entered the Dominion. This is no doubt a very flagrant error.

Hon. Mr. POWER—Will the hon. gentleman allow me to interrupt. Does he not think he is travelling outside of the question ?

Hon. Mr. FERGUSON—No.

Hon. Mr. POWER—The hon. gentleman is discussing an address which came up several days ago.

Hon. Mr. FERGUSON—Certainly.

Hon. Mr. POWER—The question is whether we should, as an act of courtesy,

return that address in accordance with the request.

Hon. Mr. FERGUSON—That is exactly the question. I am discussing that very point and my contention is that parliamentary practice is all against a message of this kind being received, unless reasons are assigned, unless an error is assigned as having occurred in the House of Commons during the progress of this address in that House. I contend that is the rule, and I can find no exception. Now I am trying to help the government out, to see whether I can find whether an error——

Hon. Mr. SCOTT—Oh, oh, oh.

Hon. Mr. FERGUSON—Whether any error did occur in the House of Commons, I find errors; but I cannot see that they occurred in the House of Commons. If hon. gentlemen can show these are errors that occurred in the House of Commons after the Bill was introduced there, why they will have made a point, but I am anticipating an argument from these gentlemen that the errors did occur in the Commons, and I am trying to show, as I would not perhaps have an opportunity of taking the floor again, that there are abundant errors and very serious errors in the address, but they did not arise in the House of Commons, and therefore I hold that my observations are entirely directed to the motion that we should return this address. A message has been received asking us to return the address, but it does not allege a reason. The reason, to be effectual, would be that some mistake had occurred during the progress of the address through the House of Commons. I have not only shown that the address does not contain that reason or any reason, which I think is fatal to its being dealt with by this House, but I go further and claim that while errors did occur, that they were not errors as far as I can see, that occurred during the progress of the address through the House of Commons. They belonged to the address as introduced, they belonged to the notice. It went through without any change. I wish to raise that point of order that we cannot entertain this address, because it is not backed by reasons. It does not give any reason such as could be given. I could, if I were disposed, read from some seventeen or eighteen volumes of the journals of the House of Commons of England, but I do not want to take up the time of the House, as I have already given the references that are to be found on page 685 of Bourinot and 475 of May, and any hon. gentleman who wishes to investigate the matter can do it for himself. My point of order is that this address is not according to precedent, and cannot be entertained, because no reason is assigned for the return except for the purpose of reconsideration which the House of Commons cannot do at this stage, and as no reason is given, and no errors alleged, we cannot accede to this request.

Hon. Mr. SCOTT—I do not concur with the conclusions drawn by my hon. friend that the authorities he quoted in any way sustain the argument he used, and the argument itself is contradicted by the observations he has made over and over again, that there were errors in this address; but he went on to prove there were errors and insisted on it.

Hon. Mr. FERGUSON—But they were not errors that occurred in the House of Commons.

Hon. Mr. SCOTT—Does the hon. gentleman not see that any document can come before the House, even papers which may be prepared by some individual outside, and when there is an error in them there is no objection to sending them back. It is absolutely futile that because they were prepared by a draughtsman in the Justice Department or anybody else, if the House of Commons adopted them, and the paper came up here with an error, or what the hon. gentleman regarded as an error, that it is not to be returned. I admit that to some extent there was an error, and the natural process then was for the House of Commons to request us to return the documents. The hon. gentleman discussed the error ten days ago when the papers came up here first. It is idle, therefore, to say we are in ignorance of the cause for which the request for the return of the papers is made. I think it was discourteous to the House of Commons, not allowing them to go back forthwith. I yielded the point, and gave notice for a certain day. I gave that notice and I am prepared to abide by

the decision of the House in regard to that notice.

The SPEAKER—I have had occasion to examine the point since it was raised last week. I find no rule on this matter governing the form that a message must take which will go from one House to the other, nor have I found any precedent indicating that such a message must, of necessity, give detailed reasons. I have therefore reached the conclusion that it is for the Senate to deal with the message as put before it.

Hon. Mr. FERGUSON—I should like to have this decision placed on the Journals.

The SPEAKER—I will control the decision.

Hon. Mr. FERGUSON—I wish to raise another point of order in connection with this subject. Rule 70 of this House provides :

> The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the King's representative.

We are asked to take a step with regard to this address. We are asked to take a proceeding without this information.

Hon. Mr. SCOTT—We are asked to give it up.

Hon. Sir MACKENZIE BOWELL—We are asked to discharge it.

Hon. Mr. FERGUSON—That is a proceeding.

Hon. Mr. SCOTT—We are not asked to proceed ; we are asked to recede.

Hon. Mr. FERGUSON—My hon. friend says it is not proceeding. If we were rescinding this address then my hon. friend would be right, but we are not proceeding in that way. We are taking what my hon. friend thinks is the best course of carrying it into effect, and that must assuredly be a proceeding. Surely my hon. friend will not claim that this action he is taking is for the purpose of killing the address ? It must be a proceeding. It might be contended—and as I am on my feet I want to cover that point—that this is not a question which requires the approval of the Governor General. I turn to the Speaker's decision, page 132, and there I find that a question arose in the parliament of Canada in the year 1871 with reference to an address. It is almost entirely on all fours with the one which is now before us. I will not read the address in full, but it was to the Crown, asking that the $10,500,000 of debt resting on the province of upper and lower Canada at confederation, and which was not assumed at confederation, should be assumed by the Dominion of Canada in 1871, as was done later, and that Nova Scotia and New Brunswick should be compensated. Sir George Cartier raised the point of order, that the address could not be proceeded with except on a message from the Crown. That was contested, and Speaker Cockburn rendered this decision :

> The motion proposes that an address be presented to Her Majesty, praying her to recommend that the British North America Act of 1867, be amended so that the public debenture of the Dominion be increased, and that compensation be made to the provinces of New Brunswick and Nova Scotia.
>
> In my opinion this motion cannot be entertained, it being in contravention of the 54th section of the Imperial Act that this House shall not adopt any vote, resolution, address or Bill for any purpose that has not been first recommended by message of the Governor General.
>
> The contention is, that the proposed appropriation being beyond the power of the parliament of Canada, this provision of the statute cannot therefore apply.
>
> In its literal construction it does apply to the motion and certainly it seems to me to the full as necessary in a constitutional sense to interpose the check of a message from His Excellency under the responsibility of his ministerial advisers before adopting an address which may be followed by legislation, imposing a burden on the people by a parliament and ministers, owing to no responsibility, as in the case of a Bill or motion or the appropriation of money within our direct control.
>
> For these reasons, the motion, in my opinion is not in order.

The decision is therefore on record by Speaker Cockburn, and has never been reversed, that an address of this kind is a measure of supply and cannot be entertained or proceeded with unless it has received the sanction of the Crown ; and then we have our Senate rule 70 which prevents us from proceeding with a measure appropriating public money that shall not, within the knowledge of the Senate, have been recommended by the King's representative. We have no right to take any action on this address until we have this information. I submit that the action which is being taken is a proceeding for the purpose, as my hon.

friend has told us, of expediting the address, and that is certainly a proceeding. I ask for a ruling of the Chair on the point.

The SPEAKER—I do not believe the point of order is well taken, because the motion is to comply with a request from the House of Commons to return a message. I will not go into the merits of the point of order that the hon. gentleman has raised, because I think that it could only be raised and passed upon when there is any forward step towards the passing of the Bill or message ; but this is a receding step just now that the Senate is asked to take, and for that reason I do not think the point of order is well taken.

Hon. Mr. FERGUSON—The ruling of course will be taken down on the Journals.

The motion was agreed to.

## THE RESOURCES OF NORTHERN CANADA.

### MOTION.

The Order of the Day being called :

Consideration of the third report of the select committee appointed to inquire on the value of that part of the Dominion lying north of the Saskatchewan Watershed, east of the Rocky Mountains, west and east of the Hudson's bay, comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie Territory, its extent of navigable waters, rivers, lakes and sea coast, and Ungava and Keewatin Territories.—(Hon Mr. Davis.)

Hon. Mr. COFFEY, in the absence of Mon. Mr. Davis, moved that the report be concurred in.

The motion was agreed to.

## REPRESENTATION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (51) An Act to readjust the Representation of the provinces of Saskatchewan and Alberta in the House of Commons, and to amend the Representation Act.

He said:—This is a measure which practically explains itself. As hon. gentlemen are aware, under a recent quinquennial census these two provinces are entitled to a considerable addition to their representation, and, accordingly, provision is made for bestowing the requisite representation upon them. I cannot pretend to be well versed in the division that is being made, but I am advised by the hon. gentleman who introduced this Bill in the House of Commons that this was the result of a committee on which both sides were represented and that it was passed unanimously. I noticed that there was no division in the House of Commons and I take it for granted, therefore, that we may assume that reasonable justice has been done.

The motion was agreed to, and the Bill was read the second time.

## JUVENILE DELINQUENTS' BILL.

### DEBATE CONTINUED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for the second reading (Bill FFF) An Act respecting Juvenile Delinquents.

Hon. Mr. LOUGHEED—I have to express some regret that my hon. friend the leader of the House who introduced this Bill has intimated the intention of the government not to proceed with it during the present session. The fact of presenting it for the consideration of parliament, I take to be tantamount to saying that the legislation is necessary. This is a Bill that comes peculiarly within the legislative authority of the parliament of Canada. I need not say to the hon. gentleman that parliament is charged with providing the necessary legislation incident to the criminal law of Canada. This Bill is in the right direction, and in my judgment should have been placed on the statute-book years ago. Why it should be withdrawn at this stage is a difficult problem to determine. The government has assumed the responsibility for the Bill and I am satisfied from what consideration parliament has given to the measure that there can be only one conclusion as to its absolute necessity. There is this peculiarity about legislation dealing with criminal law in Canada, that while we probably consider we are very much in advance of other nations in this matter, the fact is no country claiming a reputation for progressive thought and moral reform is so far behind in its legislation on criminal law, and especially that branch of it dealt with in this Bill. No country should be so far in the vanguard on ques-

tions of this kind as Canada should be. Our climatic and territorial conditions, our population and the newness of our conditions; the absence from our social organization of those festering sores which afflict the social conditions of many parts of Europe, and even of this continent, is a reason why the strong, robust, wholesome thought which prevails in our country should long ago have inspired legislation of this character. It may possibly be a tribute to the progress of Canada, in one sense, that we are too much concerned in legislation looking to the material prosperity and development of the Dominion; but, certainly, our remissness in advanced criminal legislation is a reflection upon the character of public life in Canada. Very little if any attention has been given to that legislation which looks to the building up and the formation of those sociological conditions which should go to make a people great. We are busy in legislating on transportation, tariff and fiscal matters; busy looking after the development of our natural resources, and every other subject, in fact, except that which deals with the submerged part of our criminal population, and which properly comes within the jurisdiction of the federal parliament. There is scarcely a department of the government but has its scientists and experts and staff of professional advisers to deal by the most scientific methods with all animate and inanimate subjects, and yet in the Department of Justice, the department peculiarly charged with legislating as to the criminal law, there is not an officer to my knowledge charged with the very important duty of working out those great sociological and economic questions affecting the criminal classes of the community. I have looked in vain throughout the report of the Department of Justice to ascertain if any attention is given to the development of subjects of this character, but cannot find that any special attention is given to the science of criminology. When we take into consideration that crime is on the increase and that we are paying millions of dollars every year for the administration of our criminal law and maintenance of penitentiaries and prisons, one would fancy that the subject would receive more consideration than the measure which is now before us indicates. New conditions are rising daily owing to the progressive policy of the government, and incident to the development of the country that call into being those crimes that follow in the march of national growth. For many years we have devoted ourselves to developing the industrial life of the country and building up large centres of population. We are spending nearly a million dollars a year to bring into the country people from all parts of the four continents, but incident to the working out of our great problems must necessarily rise the question of criminology. While we are working out the larger questions, we are absolutely ignoring the one which will more permanently affect social life in Canada than any other for generations to come. I said a moment ago that crime was on the increase; I wish to read some statistics which will show the importance and necessity of giving greater attention to this question than it has hitherto received. I find in a book on juvenile offenders published by W. Douglas Morrison, who is regarded as one of the best authorities on criminology in England, that he very forcibly points out the rapid growth of crime and the necessity of giving attention, from a very much more scientific standpoint than has hitherto been done, to grappling with this very important problem. He says:

1. It is perfectly well known to every serious student of criminal questions, both at home and abroad, that the proportion of habitual criminals in the criminal population is steadily on the increase and was never so high as it is now. In almost every official document dealing with penal administration this unsatisfactory state of things is both admitted and deplored. In France, Germany and Italy the proportion of old offenders who come before the criminal courts is constantly growing, while in England matters are just as bad. This is made perfectly clear by the report of the Committee on the Identification of Habitual Criminals. From a table compiled for the use of that committee it appeared that in Lancashire, the West Riding of Yorkshire, and Staffordshire about 70 per cent of the prisoners tried were known to have been previously convicted; in Liverpool, Birmingham and Bradford, 79 per cent; and in Norfolk and Suffolk 61 per cent.

7. He can be kept in prisons for four or five hundred thousand pounds a year; when at liberty he costs in police protection alone between four and five millions.

In the present volume I have endeavoured to show how habitual crime may be diminished by better methods of dealing with juvenile offenders. A wide experience of the criminal population convinces me that the habitual offender, the man who takes to crime as a trade, as a rule begins young. Unless a man has acquired criminal habits in early life it is com-

paratively seldom that he degenerates into an habitual criminal.

8. But in the main they constitute two distinct divisions of the criminal population, and it is not often that the occasional criminal degenerates into the habitual criminal unless he acquires criminal habits in early youth. As a rule the fatal transition from the one class to the other takes place during the period of immaturity. It follows from these facts that one of the most effective methods of dealing with habitual crime is to prevent the juvenile offender from acquiring confirmed criminal habits.

How is this to be accomplished? This question can only be answered after an inquiry into conditions which produce the juvenile delinquent. Crime among the juvenile population is produced by certain conditions, and all attempts at dealing with it is only groping in the dark until we know what these conditions are.

In accordance with this view I have devoted the first part of the present volume to an examination of the conditions which produce the juvenile offender. In a preliminary survey of the extent of juvenile crime among civilized communities, I have pointed out that the problem of juvenile crime is not diminishing in magnitude. Whether we look at home or abroad, whether we consult the criminal returns of the old world or the new, we invariably find juvenile criminality exhibiting a distinct tendency to increase.

What I desire to point out is this, that, from the statistics which I shall shortly present to the House, it is quite apparent that a great majority of criminals are practically made while they are in their teens. The majority of criminals in our penitentiaries and our prisons are between twenty and twenty-four years of age, at the most between twenty and thirty; and the deduction clearly is, that they must have acquired criminal habits at an earlier period even than twenty years of age. If crime is growing in a very much greater ratio than the population, as I shall be prepared to show it is, then it becomes absolutely imperative on the government to give the closest attention to the working out of this very important problem. The government of Canada publishes a year-book. The latest issue is for 1905, and from this I obtain information clearly establishing the very rapid growth of crime in the community. This I must say is confirmed by experience in European countries as well as in the United States. The table in the government year-book deals with convictions from 1900 to 1904, a period of four years. Convictions for indictable offences in the Dominion in 1900 were 5,768, and in 1904 they had increased to 6,754, an increase of 17 per cent. Hon. gentlemen will bear in mind that these are not summary convictions, but the more serious classes of offences. During the same period the summary convictions, which will represent the lesser class of offences, increased from 35,885 in 1900 to 48,192 in 1904, an increase of 34 per cent in the four years. In all Canada, during the same period, the convictions and sentences for all offences in 1900 were 41,653 and in 1904, they were 54,946, an increase of 33 per cent during those four years. To impress upon hon. gentlemen the necessity of legislation such as we have before us, and the remissness not only of this government but of the late government in not placing more advanced legislation on the statute-books, permit me to direct your attention to the growth of juvenile offences in the period from 1885 to 1904. During those years there were convicted for indictable offences in Canada, children under sixteen years, 14,231, and over sixteen and under twenty-one years of age, 16,916, a total of children—because you cannot call them anything else—convicted 31,147. We apparently have no tables for the summary offences which were punished during that period. The majority of criminals, according to the criminology series published by T. Fisher Unwin, in England, are between twenty-one and twenty-four years of age, and the same remark applies to crime in Canada. Hon. gentlemen will consider the serious character of the offences which result in a young man being placed in a penitentiary; yet in 1901 there were in the five or six penitentiaries in Canada 147 convicts under twenty years of age, while in 1905 the number was 169, an increase of 16 per cent in that period. I find according to this table, that the majority, practically two-thirds of our criminals in the Canadian penitentiaries, are under thirty years of age. There is another consideration which might be pointed out and which will disturb perhaps the idea which has established itself in many minds, and that is that the majority of crimes is due to intemperance. I find that according to the statistics furnished us from the penitentiaries in Canada in 1905.

Hon. Mr. McMILLAN—Can the hon. gentleman tell us whether they trace that cause to the greater offences, or to the smaller offences?

Hon. Mr. LOUGHEED—Well it would be rather difficult for me to point that out. The growth of crime is evolutionary, so to speak.

Hon. Mr. McMILLAN—The hon. gentleman knows a great many of the smaller offences are committed while people are under the influence of liquor.

Hon. Mr. LOUGHEED—I am bound to point out these figures. I find, according to the penitentiary statistics up to 1905, dealing with the social habits of convicts, that in our penitentiaries we had 197 abstainers, 654 temperate convicts——

Hon. Mr. POWER—Moderate drinkers.

Hon. Mr. LOUGHEED—And 516 intemperate ones, so that a little more than a third were classed as intemperate. That is rather beside the question. I simply mention this fact. Now then, as to those statistics being confirmed by the tables obtainable from other nations, I might point out that this same growth of crime is quite as observable in the old countries of Europe as well as in the United States. Mr. Morrison, in his work on criminology, states:

> Acording to the United States census of 1890 the number of convicts in penitentiaries has increased to the extent of twenty-seven per cent in ten years, and the number of prisoners in county jails has increased nearly fifty-four per cent. On the other hand, the population of the American union has only increased about twenty-five per cent during the decade. In other words, the prison population is increasing faster than the general population.

It seems to me, hon. gentlemen, that if the government will not for humane reasons, or upon sociological grounds, deal with this very important question, by passing legislation that will meet the requirements of society, and that will respond to the progressive thought of the times, then, on economical grounds and for economic reasons, they should certainly take this matter up and give the most mature consideration to it. European nations as well as the United States government have given the best thought of their public men to the working out of those problems. Royal commissions have been appointed. Institutions have been established. Inquires of the largest character have been made, and a vast expenditure of thought and money has been devoted by those governments to ascertaining the best methods of dealing with this very important question. But we in Canada are practically doing nothing. We are relying upon the old method of dealing with criminals. It is a far-away cry, as hon. gentlemen well know, from the advent of this Bill, which proposes to deal with juvenile delinquents, back to the practice of over a century ago, when in England they hanged children from eight to ten years of age for homicide and for other crimes. There are many cases recorded in England where children of ten years, as young as eight, were hanged for capital offences, but it seems to me, from a study of all the legislation we have upon our statute-book, that in Canada we have made no particular progress or reform other than to moderate the method of punishment administered to criminals. The same old ideas prevail that dealt with the violations of law, and the violations particularly of criminal law. All we have done has been to build penitentiaries; to put the convicts behind the bars and to mete out to them such varying degrees of punishment as may be determined by the statute-book or by the discretion of the judge who may try the criminal. But it is a well known fact in criminology that imprisonment does not prevent crime. Permit me to read what the Royal Commission of 1879 and the Prisons Committee of 1895, in England, said upon this question:—

> Imprisonment though pronounced, not only fails to reform offenders when in the case of the less hardened criminals, and especially first offenders, it produces a deteriorating effect; in other words, imprisonment defeats the very purpose for which it is supposed to exist. Instead of operating as a deterrent and a check on the criminal population it deteriorates the offender and increases the probability that he will continue to be a criminal for the remainder of his life.

May I be permitted to point out for a moment some factors which should be inquired into by the government with reference to stemming the tide of crime which seems to be beating itself upon society as it is to-day. In England these factors, which I shall take the liberty of referring to, have received very considerable attention and have been established by statistics to be the chief causes of crime in both England and Europe. Some years ago a committee was

appointed by the British Association for the purpose of collecting observations of a systematic character as to the height, weight and other physical characteristics of the inhabitants of the British Isles. Then the committee in their report say :

Another very valuable index of the physical condition of the industrial school population is weight.

Perhaps I might explain that in England they have various institutions for dealing with juvenile delinquents. For instance about the first step to deal with a juvenile delinquent is to place him in what is known as an industrial school. They have different industrial schools in which the child is placed for corrective purposes. He is permitted to go to his home on probation at night. He returns the following day, and so on. They then have industrial schools wherein the child is kept permanently for a period. If it is found they are not sufficiently corrective for the delinquent he is then put in a reformatory, but the idea of imprisoning the child is kept as distant as can possibly be from the child until all other hope fails. Those statistics establish these facts, and these factors to which I have referred may be attributable to the large propotion of crime from which we suffer. The committee reports as follows :

Another very valuable index of the physical condition of the industrial school population is weight. In this respect all classes of the ordinary population of a similar age surpass the industrial school inmates. According to the report of the Anthropometric Committee of the British Association (1883), industrial school boys of the age of fourteen are nearly seven inches shorter of stature and 24¾ pounds lighter in weight than juveniles of the same age in the general population. Whether we compare the children in industrial schools with the general population of all classes, or with any class in particular, it will be found in every instance that as regards weight these juveniles are distinctly inferior to every other section of the youthful population. A large proportion of industrial school boys and girls are, as has been pointed out in a preceding chapter, drawn from the towns; and if these children are normally developed we should expect them to come up to the standard of town children of the artisan classes. But both in height and weight they fall considerably short of the standard. No matter what year we select, between six and sixteen the industrial school child is always below the average. It is the same with females as with males. Often inferior in weight as well as in stature to the class from which he springs, the juvenile offender in our industrial schools must accordingly be set down as in many cases, a decadent member of the community, not only from a moral, but also from a physical point of view.

The recent researches of Dr. Warner as to the physical and mental condition of children confirm the report of the committee of the British Association with respect to industrial school children in Irish schools there is a larger percentage of abnormal children in industrial schools than in any other class of schools. Dr. Warner examined nearly two thousand children of both sexes in industrial schools in London and the country, and of this number 591, or rather more than 29 per cent presented physical or mental defects. In English day schools the number of children who were either physically or mentally defective only amounted to 17 per cent. The defects noted by Dr. Warner consisted of smallness of stature, smallness of head, affections of the eye, affections of the nervous system, defects of development, excessive paleness or thinness, and mental dullness.

It has been pointed out that our only means of testing the physical condition of the total population of these institutions is by comparing the death and mortal illness rate which prevails in them with the death rate of the general community of a similar age ? The application of this criterion discloses the fact that the death rate in the general male population between five and fifteen amounts, for the period under examination to 3·7 per thousand; on the other hand, the death and mortal illness rate in boys' industrial schools is as high as 5 per thousand. The death rate of girls between five and fifteen in the general population is 3·8 per thousand; the death and disease rate of girls in the industrial school population is 12 per thousand.

According to Dr. Warner, and speaking in round numbers, no less than thirty industrial school children in every hundred are more or less defective either mentally or physically. Coupling this fact with the additional fact that 39 per cent of the entire industrial school population are without one or both parents, it is reasonable to conclude that a considerable proportion of these children are the victims of hereditary or acquired infirmity.

The amount of mortality among boys in the general population between the ages of ten and twenty for the five years 1887-91 was at the rate of 3·4 per thousand. The vast bulk of the inhabitants of our reformatories range between the ages of ten and twenty ; the death and mortal illness rate among this population for the five years 1887-91 will supply us with materials for forming a tolerably accurate comparison between them and the outside community. For the five years just mentioned the annual average of deaths in boys' reformatory schools amounted to 4·2 per thousand, and the annual average of inmates discharged on account of mortal disease amounted to 4·2 per thousand. According to these figures, if the discharges on account of mortal illness are added, the death rate among reformatory boys is fully twice as high as the mortality among the general community. Very similar results are obtained by comparing the rate of mortality among reformatory school girls with the average mortality of the female population in general of a like age. For the five years 1887-91 the yearly rate of mortality among the female members of the general community between the ages of ten and twenty amounted to 3·5 per thousand. During the same period the yearly death rate in girls' reforma-

tories amounted to 5 per thousand; the discharges on account of mortal disease were 7 per thousand. If the actual deaths and the discharges from mortal illness are added together it will be found that the mortality among the female reformatory school population is between three and four times as high as the mortality among the ordinary female population of a similar age.

Juveniles in prisons, as far as it is possible to arrive at the facts, are very similar in their physical characteristics to juveniles committed to reformatory schools. In a return dealing with the social and physical condition of a hundred juvenile prisoners between the ages of sixteen and eighteen prepared by me for the Departmental Committee on Prisons, it was shown that the average stature of these young people was from one to two inches lower than the average stature of town artisans of a similar age. It was between three and four inches lower than the average stature of the general population of a similar age. The average weight of these juvenile offenders was also inferior to the average weight of the town population of a similar age, as well as of the population as a whole of a similar age. The parental condition of these juveniles also sheds light upon the sort of stock from which they spring. Almost one-third of them (thirty-two per cent) had one or both parents dead. Whether we look at the physical conditions of the juvenile population in prisons, in reformatory schools, or in industrial schools, we are always confronted with a similar set of facts. We find in each case that the delinquent population of these establishments is on the whole composed of a larger percentage of inferior physical material than the general population.

The results of personal experience among large numbers of juvenile offenders, as well as the evidence just furnished by statistical investigations, have for many years confirmed me in the opinion that among causes which produce a criminal life the physical inferiority of the offender is one of the most important.

I need not say that the fact of that physical inferiority must have its reflex in the mental condition of the child. The mental condition of those children is found to be very low indeed; and while it is almost impossible to obtain statistics to measure the want of mental ability, it may be said, however, so far as we can make the statement, to be about in the same ratio of incapacity as the physical requirements of the same children. I assume the risk of tiring the House by these statistics, to point out the duty that devolves upon the government of adopting progressive legislation for the purpose of grappling with this question. If the criminal population in society is growing with the rapidity which our own statistics establish beyond all peradventure to be the case, then, certainly, no more important duty can devolve upon the government than to appoint a royal commission, or to take such steps as will give them all the facts and all the knowledge and information obtainable upon this important question, so that legislation of an advanced character may be passed to grapple with this serious problem. This is more important, hon. gentlemen, when you apply the statistics which I have cited to the House, to this consideration, that if a child begins its life of crime in its teens, and if it reaches the height of crime so to speak, at twenty-four or twenty-five, as the statistics seem to establish, and if those criminals are growing at the rate which our own statistics establish that they are, then our condition is serious and lamentable indeed, and I say without any hesitation, that this legislation should not only be passed during the present session, but should have been grappled with by the government years ago, and that institutions should have been established through which this very important problem might be solved. As to the distribution, so to speak, of responsibility between the Federal government and the provincial governments on this question, I do not quite comprehend what understanding may exist between the federal government and the provinces as to the distribution of correction institutions of a reformatory nature, but we very well know that the penitentiaries are maintained by the federal government, whereas the jails and minor prisons are maintained by the provinces or municipalities, as the case may be. But if the case should arise—and it must necessarily arise—as to who shall maintain industrial and reformatory institutions such as we find existing in other parts of the world, the Dominion government, certainly should not stand upon the question as to who should assume that responsibility. I fancy that some of the smaller provinces would hesitate before assuming any responsibility for establishing and maintaining expensive institutions of this kind; but if it is necessary for the Dominion government to establish and maintain the penitentiaries of Canada, it is equally important, in fact more important, that the conditions which lead to the creation and development of criminal life, particularly in the youth, should be stamped out by the establishment of such institutions as they have in

other countries, even though this government should assume the entire expense. I might point out just for the moment what other countries are doing with reference to these establishments and to the fact that for many years those establishments have been carrying on a very successful work along this line of diminishing juvenile crime. Dealing with principes involved in the establishment of these institutions, the writer of this book, Mr. Morrison, says :

'In Europe, France led the way and in 1850 special laws were passed in the French Chamber relating to the treatment of juvenile delinquents. In 1854 England followed in the wake of France. In the two decades between 1850 and 1870 almost every state in Europe had passed laws or organized establishments for the reclamation of juvenile offenders. The new world was as active as the old world. In the rational treatment of the young offender many states of the American union have borne an honourable and conspicuous part. The New York House of Refuge chartered in 1824 was established by the state of New York many years before any European government had given its attention to the value of reclamatory methods of dealing with juvenile delinquency. Since that date the number of institutions for young offenders has steadily increased, especially in the North Atlantic states. According to the census bulletin the total number of inmates in juvenile reformatories in the United States in 1890 amounted to nearly 15,000. The population of these establishments increased nearly thirty per cent in ten years.

The principle of dealing with juvenile offenders in special institutions has been most widely applied in Great Britain. According to the report of the inspector of Reformatory and Industrial Schools for 1894, the number of children under order of detention in reformatory, industrial, truant, and day industrial schools amounted to 33,521.

Hon. gentlemen will see that Canada is far behind European countries, and our neighbours on the other side of the line in the adoption of legislation to deal with this very important question, and I might say that in addition to the countries referred to, in the work I have just read that those institutions obtain largely not only in France and Germany, but in Austria, in Italy, in the Cantons of Switzerland as well as in other parts of Europe, and we therefore are not in a position to compliment or congratulate ourselves upon being equally progressive with many of those European countries upon which we very oftentimes are apt to look with a degree of commiseration with reference to moral reform. I say advisedly that Canada is behind all the other civilized communities, in such countries as those I have mentioned, as to legislation and dealing with this very important question. I furthermore say that crime within the Dominion of Canada is growing at a more rapid rate than the tables would lead us to believe that European crime is growing; hence the necessity becomes greater and greater every day. Under those circumstances, I fail to understand why the government consider it necessary to withdraw a Bill dealing with so important a problem, a Bill which society demands today in its most advanced phase. I hope, if the government withdraws it this session, that they will prepare a Bill of an even more advanced character next session, and will insist upon its passage, and will deal with this question in a statesmanlike way.

Hon. Mr. POWER—The speech made by the hon. gentleman is a very instructive one, and if he had not taken the opportunity to so frequently emphasize the statement that the government were at fault in not proceeding with the measure more promptly, no one would have any reason to criticise his speech. The hon. gentleman has evidently made himself familiar with the subject, which I have not; but there are certain points in his speech which I think are open to observation. The hon. gentleman seemed to think it was the duty of the Dominion government to look for something to be done in this direction. The hon. gentleman, I take it, is a pretty experienced politician, and fairly practical; and I think it is within the experience of every hon. gentleman here that, as a rule, governments do not go about looking for work to do, or for legislation to undertake, particularly legislation of a philanthropic kind. And it will be found, I think, that in nearly every instance legislation of this character is due to the efforts of individuals or of associations, and that this kind of legislation does not originate with the government. The hon. gentleman spoke chiefly of juvenile offenders, and that is the matter with which this Bill deals ; but he rather intimated that it was the duty of the government to establish reformatories, particularly in some of the smaller provinces. Now when we come to look at the British North America Act, we find that section 91, subsection 28, enumerates

amongst the subjects with which the Dominion parliament has to deal, the establishment, maintenance and management of penitentiaries. This measure is not in any way concerned with penitentiaries, except perhaps to keep people out of them ; but section 92 subsection 96, gives to the local legislatures the establishment, maintenance and management of public and reformatory prisons in and for the province. So that the work of establishing these institutions is, by our constitution, committed to the provinces and not to Canada.

Hon. Mr. LANDRY—It is like the Lazaretto.

Hon. Mr. POWER—Well, there is no question in this case. There may have been some question in regard to the Lazaretto. Governments do not go round looking for work to do. I think the hon. leader of the opposition is a little pessimistic in his observations with reference to the position of Canada as compared with other countries. Canada has done fairly well in this matter of dealing with juvenile offenders. We have had on our statute-books now for thirteen years the following provision :

28. Young persons apparently under the age of sixteen years who are,—
(a) arrested upon any warrant ; or,
(b) committed to custody at any stage of a preliminary inquiry into a charge for an indictable offence ; or,
(c) committed to custody at any stage of a trial, either for an indictable offence or for an offence punishable on summary conviction ; or,
(d) committed to custody after such trial, but before imprisonment under sentence ;
shall be kept in custody separate from older persons charged with criminal offences and separate from all persons undergoing sentences of imprisonment, and shall not be confined in the lock-ups or police stations with older persons charged with criminal offences or with ordinary criminals.

The next section in chapter 148 of the revised statutes reads as follows :

29. The court or person before any offender whose age at the time of his trial does not, in the opinion of the court, exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, may sentence such offender to imprisonment in any reformatory prison in the province in which such conviction takes place, subject to the provisions of any Act respecting imprisonment in such reformatory.
2. In no case shall the sentence be less than two years or more than five years confinement in such reformatory prison.
3. Such imprisonment shall be substituted, in such case, for the imprisonment in the penitentiary or other place of confinement by which the offender would otherwise be punishable under any Act or law relating thereto : Provided that in every case where the term of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the penitentiary.
4. Every person imprisoned in a reformatory shall be liable to perform such labour as is required of such person.
5. This section shall apply to the Halifax Industrial School and Saint Patrick's Home at Halifax, although the age of the offender exceeds sixteen years, if it does not exceed eighteen years ; and in any case of imprisonment in the said school or home the sentence may be for a term of one year or more, but not exceeding five years.

The section is made applicable to certain institutions in Halifax, the Halifax Industrial School and St. Patrick's Home, as stated in subsection 5. That is, even though the age exceeds sixteen, and does not exceed eighteen. Reformatories and industrial schools have been established in Nova Scotia. They have been established in New Brunswick. They have been established in Ontario. I do not know what they have done in the western provinces, but, at any rate, in the three provinces I have mentioned, and I rather think in the province of Quebec, although I am not sure, reformatories have been established. It is to those reformatories that juvenile offenders are sent, and I may say that the statistics which the hon. gentlemen read with respect to the physical condition of the boys and girls in these juvenile reformatories in the old country, do not at all apply at any rate to those in the province of Nova Scotia. The truth is that in the two institutions in Halifax the death rate is less than amongst persons of the same age in the general community. Now, the hon. gentleman referred to a submerged tenth. We have not really anything in Canada which corresponds to the submerged tenth, which they have in the old country, and there is no great mass of degraded children in Canada such as we find in the United States and in the old country. There may be a couple of cities in Canada where there are a good many bad boys, but there is no such misery and degradation as you find in the large cities of the old country, so that the problem is really not as pressing a one in Canada as it is in the old country. But we have gone further. In Ontario and in Nova Scotia there has been legis-

lation establishing Children's Aid societies and empowering magistrates to sentence children to homes, and to detention homes, I do not know what the exact term is—places of detention—before being sent to the home. That is the practice now in Ontario and Nova Scotia, and up, I think, to the present year, there has been no pressure brought to bear upon the Dominion parliament for legislation. The people who are interested in these Children's Aid Societies find now that it is desirable that they should get legislation from the Dominion parliament in order to enable them to cover the whole ground. There are cases where the usefulness of these societies is limited by the want of legislation from this parliament, and it was in order to fill that want that this Bill was introduced. I regret that it is not going to be pressed this session; but I hope it may pass next session; meanwhile there is no such dreadful condition of things in Canada as there is in the old country. The hon. gentleman spoke as though these Children's Aid Societies or Children's Courts were to be found everywhere in England. As I understand, they are really only to be found in two or three cities. I am not aware of any city except Birmingham where this system has been introduced.

Hon. Mr. LOUGHEED—Fifteen years ago there were at least twenty of them.

Hon. Mr. SULLIVAN—More than that.

Hon. Mr. POWER—I think the honourable gentleman is making a mistake.

Hon. Mr. LOUGHEED—My hon. friend behind me (Hon. Mr. Sullivan) will give the figures. They run up to 200.

Hon. Mr. POWER—Notwithstanding all that, I venture to think the hon. gentleman is in error, because it is commonly understood that the first Children's Court that was established, was in Colorado, and that Judge Lindsay, of Denver, was really the judge of the first Child's Court. I am told that Chicago was ahead of Colorado. But, in England, Birmingham has copied Denver or Chicago. I do not mean to say there are not some provisions with respect to children, but what I mean is that such legislation as is embodied in this measure does not prevail in more than one or two English cities. I cordially approve the character of this measure, and I agree with the principle laid down in the preamble. There are one or two suggestions which I was going to make to the hon. Secretary of State, which he might consider in dealing with the matter further.

Clause 6 provides that when any child is arrested, with or without warrant, such child should, instead of being taken before a justice, be taken before the juvenile court. I think that that should be qualified by saying if there was one having jurisdiction in the place where the offence was committed, because if you have only a couple of juvenile courts in the province it would be exceedingly inconvenient to take the child before a juvenile court. It would be better to give certain powers to the magistrate to deal with the case. Then clause 20 requires some modification. It says:

> No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

That is a very good general rule; but there are exceptions and in the cases of reformatories it has been found absolutely necessary to make certain exceptions to that rule. A lad of sixteen may be utterly perverse and unmanageable, and it may be absolutely necessary that an incorrigible of that kind should be sent to the penitentiary. The clause needs qualification. I should not have spoken at all only I thought the hon. gentleman who preceded me was just a little too severe in his remarks.

Hon. Mr. SULLIVAN—I am very glad of the opportunity to correct some misapprehensions and make some statements, which I hope will be of interest. I think the hon. gentleman has taken too severe a view of the state of morals in this country, and has not even given England fair play. In examining this question, we must first look at the causes of crime. The causes are various. For instance, intemperance is one of the most marked causes; tobacco is another; bad or insufficient food—anything which will debilitate a person physically, or which will put temptation in his way. For instance, if a boy

on the street sees an apple exposed on a stand, he may be tempted to take it. That is not a serious crime; but it gives an idea of what I mean. There are also cases of criminal inheritance. That is a very important point, one on which I wish to correct any errors that may exist in the minds of hon. gentlemen. I will give the latest theory, and the facts on which it is founded. You will understand there is such a thing as heredity, that is, the conditions of an organization, animal or vegetable, which are similar to the progenitor—that is any condition whether disease or not. This condition has been denied, and I refer to it because the hon. the Secretary of State stated that crime was due not to any criminal instinct or criminal nature, but entirely to environments, I think I can show that a great deal of it may be due to inheritance. My hon. friend spoke of the diminution in stature as resulting from crime. That is a fact, and the same course pursued for a number of generations would cause the degradation of a whole people. What is it that has caused the degeneration of the Spanish and Portuguese? They are not the same as their ancestors whom Cortez and Pizarro led to victories in Peru and Mexico. They have degenerated in every way. I believe that is due to disease, and I state this fact with the greatest of authenticity and emphasis. Where a soil is occupied by the same crop in succession year after year, it will fail. There will come a time when that soil will not be able to produce crops. That is a peculiarity that occurs all through nature. Anything will wear out, and that is what happened to the Spanish and Portuguese. A disease was prevalent among those nations at the time of the Peninsular war. It was so severe that it decimated the British forces, until they had to be removed. It did not affect the Portuguese to any extent—why? Because the disease had passed down from father to son, until there came a time when it had no effect upon them. But at what a price was that immunity purchased? By the degradation of the race. The same thing would occur in any country. Immunity from disease depends not only on inheritance, but on the purity and chastity of the people themselves. The lack of those virtues is a great cause of disease. How those things act in such a subtle manner I cannot explain. This question of the inheritance of disease is one of the most profound and stupendous of nature's mysteries, and has, so far, resisted the investigations of scientists. The condition is a very singular one. I could tell you of cases where a person not subject to disease at the time, say a husband, would convey a disease to his wife who never had had any disease before, and it was not present in him at the time. At other times the wife would not be infected with a disease, but when a child was born, it would be covered with disease. There is a problem that would take the whole scientific forces of the world to solve. If the mother were to nurse the child, the disease would not manifest itself in her; but if a healthy woman is called in to nurse the child, not only as a wet nurse, but as a dry nurse, after a little while she will be covered over with the disease. She would be contaminated simply by the handling of this child. That is a law which never fails. I would not mention this except in a general way, because of the very difficult nature of what is called inheritance. Any criminal tendency may be affected by epigenetic factors, as an influence of environment. This tendency to crime in a parent will pass to the offspring, and will be there and develop if the opportunity should occur. It is the same with consumption. I do not believe that consumption is inherited; but I do believe that the constitution inherited from a consumptive parent will easily fall a victim to the disease. It is the same way with crime. Most of the influences which cause crime will cause poverty, affecting the person physically, financially and in other ways. To prevent it, complete change in the person's surroundings is necessary. The most dangerous class to be affected is the young. Such a terrible state of crime as the hon. gentleman has described does not exist in Canada. If you take the increase of population and the habits and mode of living of the people, there is no such increase in crime. This question of juvenile crime has been taken up by England long ago. The first reformatory society, called the Marine Society, was established in 1738, and the next, known as the Philanthrophic, in 1760. These two socie-

ties, for a long time, took care of destitute children. They were succeeded by two other systems of schools. England has done more, so far as I can see, than any other country in trying to stem the flood. And, contrary to the statistics of the hon. gentleman from Calgary, I find that the number attending those schools has increased and, consequently, the amount of crime has diminished in the adult population. We know that statistics can be made to support almost any statement. On this question of heredity, I may say that we have an illustration of it in the Hon. Secretary of State himself. His father was a very kind and benevolent man. The hon. gentleman himself is also kind and benevolent, having put through parliament an Act to provide for religious education in schools, an Act to prevent intemperance, one concerning education and others concerning the habits of the people, and now we have another Bill from him of a moral nature, also for the improvement of the people. This benevolent nature has been handed down to his son, who is the prime factor and the man who has taken most interest in this matter. So there are three generations showing the same qualities of charity and benevolence. The industrial schools that were established in England, date as far back as 1850. In the early years of last century there was a very great activity among the people of England to overcome the tendency to crime. It was particularly taken up by a man named John Pounds, a shoemaker, who lived in Portsmouth, and who had devoted himself to looking after the destitute. He got up what are called the ragged schools. I dare say many honourable gentlemen present remember hearing of John Pound and his work. The ragged schools spread through England. There was a strong desire to improve the condition of the people and in 1851 or 1852 a conference was held in Birmingham. Among those who were present were Lord Norton, then Mr. Adderley, Lord Shaftesbury and others. The result of the conference was that about 1853 Mr. Adderley prepared a Bill which he submitted to the House of Commons. That Bill provided for the establishment of two schools which were entirely distinct and different in their objects. The one is called the reformatory school and is a successor of the old schools of the Marine Society. The others are called the industrial schools, and these are the schools which have benefited England so much. They have been in existence since 1853. The first attempt at establishing industrial schools was made in Scotland in 1854. The legislation was introduced by Mr. Dunlop and passed parliament. However, they were all consolidated in 1866. Amendment after amendment was made in the laws relating to these schools, and they have been brought to as high a degree of perfection as it is possible to bring reformatories to, but they ignore the word 'reformatory'. A prison was established in 1837 for young offenders, who were allowed to have outdoor teaching and many relaxations of discipline. It did not succeed; it ran down because it had the name 'prison.' In 1864 that prison was closed, because the inmates had been reduced from 563 to 68 in ten years. That showed that the name affected it, and they are now careful to avoid having anything like the name of jail or prison where children are confined. The officers do not dress in any uniform. The establishments are for boys and girls, and they derive their support from three sources, the state, the poor rates, donations and gifts and subscriptions or work, because there is a certain amount of work done in these institutions by the young boys and girls. Say a boy will cost twenty-one pounds,—$105 : that is made up in this way ; the state pays say $80, the rates amount to $15, and the proceeds of the work of the boys and girls to $10. To show what influence these institutions have, I may tell you that in 1900 there were over 4,300 boys in these schools in England. They favour small schools with about seventy or eighty inmates, the highest being about 100. They will take children up to the age of fourteen in these industrial schools, and they are kept there until they reach the age of sixteen. On no account does a child remain there longer than five years. In the other schools, they are taken in up to sixteen and may remain until they are nineteen, but generally speaking, five years is the longest time any of them can remain in the institution. That gives an idea of the care they exercise in these schools. I do not see any treatment outlined in this Bill. The greatest

possible powers are given to magistrates and justices of the peace in England. They have power to detain any delinquents and put them in these schools. There are truant schools, industrial schools, and day schools. The day schools are those where the inmates stay only during the day. There are the truant schools, of which there are twenty-two. At these, they only give the boys and girls their dinner and let them go home afterwards. They are for what are called truant children.

As it is now near six o'clock, and I have still some remarks to make, I move that the debate be adjourned until to-morrow.

The motion was agreed to.

## ADULTERATION ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (127) An Act to amend the Adulteration Act.

(In the Committee.)

Hon. Mr. SCOTT—As I mentioned before, the changes are merely technical. Analyst has to be described properly as a public analyst, and there is an official known as the assistant chief analyst who is not mentioned in the law at present.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

## YUKON PLACER MINING ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (135) An Act to amend the Yukon Placer Mining Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—The only clause held over was clause 3, which refers to regulations now made or hereafter to be made. The question was raised by the hon. leader of the opposition that this might affect rights which had accrued after 1898 and the matter was referred to the Department of the Interior and also to the Minister of Justice. It appears there are no such rights and no parties would be interfered with. I have a long memorandum here, which I submitted to the leader of the opposition, and, after reading it, he thought there was no further objection to be made.

Hon. Mr. McKAY (Truro), from the committee reported the Bill with an amendment which was concurred in.

## WINDING-UP ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (147) An Act to amend the Winding-up Act. He said: As I explained when this Bill was introduced here, the object was to meet a case which has arisen recently in Toronto in the winding-up of the York Loan Company, where there are ten or fifteen thousand persons interested. It is quite impossible, of course, to have each one appear by attorney, and this is to authorize the court to name a solicitor or counsel to act for a particular class. There are different classes of creditors in the York Loan.

The motion was agreed to, and the Bill was read the second time.

## STANDING ORDERS COMMITTEE.

### MOTION.

Hon. Mr. YOUNG moved the adoption of the twenty-eighth report of the Standing Committee on Standing Orders. He said: The report points out that the rules of the House of Commons have only been in force this session, and we were told, informally it is true, that they contemplate some changes and, therefore, it is difficult to make our rules conform until we are sure of some permanency of the rules of the other House. Besides the question is to be considered whether it is advisable to adopt the rules of the other House at all or not.

The motion was agreed to.

## ROCK LIFE INSURANCE COMPANY BILL.

### COMMONS AMENDMENT CONCURRED IN.

A message was received from the House of Commons, returning Bill (X) An Act to incorporate the Rock Life Insurance Company of Canada, with amendments.

Hon. Sir MACKENZIE BOWELL—There are two amendments. I dissent from one

of them, but rather than jeopardize the Bill, I do not take exception to it but move that the amendments be concurred in. My objection is to the amendment fixing the quorum. It provides for the appointment of twelve guarantor directors and eight directors from the participating policy-holders, making a directorate of twenty. It is based altogether on different principles from an ordinary insurance Bill. When this matter was considered in committee, it was thought that a quorum consisting of a majority of twenty directors would be an impracticable number, particularly when you appoint directors from the policy-holders, who may be all over different portions of the Dominion, as difficulty might arise in getting a quorum of directors to transact business. The result of having a large board like this in the past has been that they appoint a small committee to transact the business, and when a majority of the directors can be got, they confirm what is done by the committee. It opens the door to a good deal of trouble and annoyance. However, the superintendent of insurance insists upon a majority of the directors forming a quorum, so that in this case there would have to be eleven directors present. It will entail expense upon the company, which is totally unnecessary. The Banking Committee thought seven directors was sufficient. However, I notice by this Bill that the Banking Committee of the other House have accepted the suggestion made by the superintendent of insurance, to make the quorum a majority instead of a fixed number of seven. The other amendment simply gives power to appoint directors representing the policy-holders at the second annual meeting instead of at the first.

The motion was agreed to.

BILL INTRODUCED.

Bill (113) An Act to amend the Post Office Act.—(Hon. Mr. Scott.)

The Senate adjourned until to-morrow at 3 p.m.

## SENATE.

OTTAWA, Tuesday, April 23, 1907.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

Hon. Sir MACKENZIE BOWELL.

OLD AGE PENSIONS.

MOTION.

Hon. Mr. ELLIS moved :

That there be printed in one pamphlet, for public distribution, the speeches delivered in the Senate during the present session on the subject of 'Old Age Pensions, Annuities, &c.'

He said : The general feeling of the Senate was that the speeches contained very full and valuable information, and there was desire on the part of members that they should be bound together for the purpose of circulation, and therefore I have made this motion.

The SPEAKER—The number is not mentioned.

Hon. Mr. ELLIS—No.

Hon. Mr. LANDRY—Why is the number not given ?

Hon. Mr. ELLIS—There might be a discussion on the question of the number, and there will be none on this.

Hon. Mr. BEIQUE—There is no use in going to the expense of printing unless you adopt some mode of distributing the speeches.

Hon. Mr. MACDONALD (B.C.)—Where would the funds for this expense come from?

Hon. Mr. LANDRY—From British Columbia.

The motion was agreed to.

Hon. Mr. ELLIS—I have a letter from the King's Printer stating that as near as can be ascertained the pamphlet would make about 40 pages, 5,000 would cost $82,45, 10,000 would cost $164. I think that 10,000 could be distributed among the senators and therefore I move that number of copies be printed.

Hon. Mr. De BOUCHERVILLE—We are discussing the question of the number of copies, and I should like to say why I should vote against this motion. We are introducing a new method of dealing with speeches. I do not think there have been many of these publications in this House or in the other House. If we establish a precedent, we may have to publish very many speeches. The majority of the House can, under such precedent, have all their speeches printed and circulated, and other speeches will not be so treated. If we con-

sent to the motion we are introducing a precedent which would be very dangerous.

Hon. Mr. LANDRY—I suppose that is to be translated in French. French people grow old like others.

Hon. Mr. KERR—They never get old.

Hon. Mr. LANDRY—They keep young as long as possible.

Hon. Mr. POWER—But there is no poverty in the province of Quebec, or the people of Quebec take care of their own poor if there are any.

Hon. Mr. ELLIS—There seems to be a general impression that there should be 10,000 copies, and I would be perfectly willing to have half of them published in French.

Hon. Mr. LANDRY—A smaller proportion would be sufficient.

Hon. Mr. ELLIS—The French edition can be made up from the French version of the Senate debates after it is translated, and I do not think it would add materially to the cost. I should like to change my motion to cover 7,000 English copies and 3,000 in French.

Hon. Mr. DeBOUCHERVILLE—I should like the Speaker to decide whether by this we are not spending money without having the right to do so.

The SPEAKER—I understand this will be paid out of the contingent fund of the Senate, over which we have control.

Hon. Mr. YOUNG—It is a question the Speaker cannot be called on to decide.

Hon. Mr. FERGUSON—This publication may not come out for a month yet, and the members will all be at their homes. There is no hurry about it. Perhaps it would be better to hold the copies here until the members return, and then they can be delivered at the different rooms and be distributed in that way. If they are sent to the homes of members, they may be over-looked, as occurred with myself at the time of the Boer war, when copies of speeches were sent to me to be distributed. The parcel came, and I did not see it until two years afterwards.

Hon. Mr. LANDRY—Perhaps the hon. gentleman thinks that by distributing here it will save postage but parliamentary papers are carried free whether distributed from Ottawa or not.

Hon. Mr. YOUNG—The suggestion of the hon. senator from Marshfield may meet the convenience of members, but so far as the press is concerned these important speeches should be distributed as soon as possible.

Hon. Mr. CLORAN—The distribution of 10,000 copies will be a considerable work for any secretary. It will occupy him for at least two or three weeks. In case the Internal Economy Committee do not supply wrappers for the distribution of these pamphlets, steps should be taken now to provide them.

Hon. Mr. ELLIS—If the House consents, I will let this matter stand untill to-morrow and in the meantime will see what arrangements can be made.

Hon. Mr. FERGUSON—I would suggest that 100 copies should be given to each member for distribution, and the balance held by some officer of the Senate for distribution later. In fact we should have a small committee to manage the printing and distribution of this pamphlet.

The matter was allowed to stand until to-morrow.

## STATIONERY SUPPLIED TO MEMBERS.

MOTION WITHDRAWN.

The notices of motion being read :

By the Hon. Mr. DAVIS :

Will move that that part of the third report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate, which relates to the amount of stationery allowed to each member of the Senate, and which is contained in said report, presented on July 6, 1906 (page 400), of the Senate Journals, and adopted on July 7, 1906, be now read.

By the Hon. Mr. DAVIS :

That of this report the House rescind the following paragraph, reading as follows :

And further that an order be passed allowing each senator to requisition on the stationery office for stationery, &c., during each session of parliament to an amount not to exceed $5, any excess of the above amount to become a charge against the sessional indemnity of the member contracting the liability it being the duty of the stationery office of the Senate to furnish a weekly statement to the clerk of the Senate of the amounts of all excess disburse-

ments made by them; all collections made by the clerk of the Senate to be accounted for and duly credited in the stationery office.

Hon. Mr. DAVIS asked that he be allowed to withdraw these motions.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman is letting these motions drop, because there never was an order given to carry out the recommendation of the committee. It is a small matter, but to show how it works, this year for the first time since I have been a member of the Senate, I took the trouble to look at the accounts. I went to see how my own account stood. I found for last year I had not reached the limit, but this year I had exceeded it by a couple of dollars, and I find it arose in this way. The Experimental Farms and the Committee on Agriculture of the House of Commons sent to each member three or four hundred copies of their reports to be circulated in the rural constituencies. When I received mine, I handed them over to the representative of one of the ridings in my county, the one I had formerly represented myself. I said: 'I think you had better send these and I will have them done up for you.'

I gave them to a messenger and I find that I am charged $2.08 for the wrappers. The government furnished gratuitously this information for the agricultural portion of the country as to the improved methods of farming and agriculture, and so on, and then when the documents are sent to a senator to circulate them he is charged, by this order, with the wrappers required to mail them. I do not hesitate to say, having been in the printing business and having been connected with the purchasing of a good deal of paper that I could buy a ream or two of the same quality of paper required to mail documents in for that money. I have no doubt my hon. friend who sits before me and who knows what the value of paper is would verify what I say. I do not complain of the prevention of abuse of the privilege, if any abuse has existed in the past, but I do think it strange that while the government goes to the expense of printing very valuable documents for the information of the people, that Senators should be charged for the wrappers in which they place them to be sent to the country. I give that as an illustration of how the recommendation of the committee has been carried out.

Hon. Mr. SULLIVAN—It shows the picayune nature of those who are responsible for initiating this matter. This bundle of Bills is a sample of it. They used to be done up with rubber bands. I asked the boy why he did not use rubber bands for the Bills, as formerly, and the boy told me 'we would not be allowed.' I said, 'Go up and ask for them and let me know, if you cannot get them.' I never heard of the bands afterwards. That is a picayune piece of business and on a par with it is the charge of 5 cents for a box of matches. It is absurd that we cannot have rubber bands for our Bills and that they have to be left on our desks in this slovenly manner. I hope that whoever ordered this to be done will shrink into his own nothingness and that we will not hear of him any further.

Hon. Mr. POWER—There is nothing before the House.

Hon. Mr. DAVIS—There is a motion standing in my name, and I think it is fair to explain why I withdraw it.

Hon. Mr. POWER—I notice that there are strangers present.

Hon. Mr. DAVIS—I was merely going to say——

The SPEAKER—The hon. gentleman gave his explanation with closed doors and he need not repeat it now.

Hon. Mr. DAVIS—I understood there was to be no debate, but my hon. friend has started a debate on this question and it has placed me in a very peculiar position.

The SPEAKER—Instead of dropping the motion, the hon. gentleman can continue it until to-morrow.

Hon. Mr. DAVIS—In looking into the matter, I do not think it is necessary to make this motion at all, because the order has never been issued by the House.

The SPEAKER—The motion will be dropped.

## MORNING SITTINGS.

### MOTION.

Hon. Mr. SCOTT moved:

That when the Senate adjourns to-day it do stand adjourned until to-morrow, Wednesday morning, at 11 o'clock, to be a separate and distinct sitting until one o'clock, and so from

day to day, including Saturday, until the end of the session.

The motion was agreed to.

## YUKON ORDINANCES.

### MOTION.

Hon. Mr. SCOTT moved the following resolution :

Resolved, that the ordinance of May 26 last, intituled : 'An Ordinance respecting Liens in favour of Miners,' and the ordinance of July 7 last, intituled : 'An Ordinance respecting the disposal of water from steamers and lakes in the Yukon Territory for the purpose of generating power, and for the control and management of the sale, transmission and use of such power,' passed by the Governor in Council, under the authority of provisions which now comprise section 16 of chapter 63, R.S.C., 1906, and which previous to the coming into force of that Act comprised subsection 1 of section 8 of chapter 6 of the statutes of 1898, as that subsection was enacted by section 3 of chapter 34 of 2 Edward VII., copies of which ordinances, as well as of the necessary order in council in each instance have been laid before this House, are approved by this House, in accordance with the provisions of section 17 of the said chapter 63.

The SPEAKER—The motion speaks of steamers and lakes, and it should be streams and lakes.

Hon. Mr. FERGUSON—Might I ask my hon. friend if we will have an opportunity of seeing these ordinances that we are approving of ?

Hon. Mr. SCOTT—Yes, I will send them to the hon. gentleman.

Hon. Mr. FERGUSON—It would appear to me that we ought to be in possession of them.

Hon. Mr. SCOTT—They were laid on the Table yesterday, just as it has been done year by year.

Hon. Mr. FERGUSON—I know that, but I think we have complained year after year of this very thing. We might, for all we know, be affirming ordinances for the establishment of dance houses and such things as that in the Yukon. Of course it is quite impossible, with the House ready for the question otherwise, for me to look over these ordinances and say whether I approve of them or not, but I do think they ought to be in the hands of every member in the printed form, so that we would know what we are agreeing to.

Hon. Sir MACKENZIE BOWELL—I was going to suggest, in view of what has fallen from my hon. friend from Marshfield, that these documents ought to be laid on the Table at a much earlier period of the session, and if the hon. gentleman will see that it is done in the future then there would be no complaint. It is quite impossible to go over those ordinances to learn what they contain or provide for when they are laid on the Table an hour or two before we are asked to approve of them. We are really asked to approve of that which we cannot by any possibility have any knowledge.

Hon. Mr. SCOTT—They are the same ordinances that have been laid on the Table year after year. The House has never before exacted any regulation that they should be down early. They are in force until the end of the session, then they are revived by an order of each House and they are brought down in the other Chamber, just in the same way that they have been brought down here. Nobody asked to have them copied or entered on the books. One order in council relates to lien holders and the other to mining regulations in reference to the water allowed to miners.

Hon. Mr. FERGUSON—Are we to understand that these are not new regulations made since last session ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—We are simply reviving and renewing the regulations.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—With that assurance——

Hon. Mr. SCOTT—Yes. They are the same, and they will be brought down again next year.

Hon. Sir MACKENZIE BOWELL—While the Secretary of State may be quite correct, I have no recollection of a resolution similar to this being introduced in the House and our approving of it. Most of these returns are laid on the Table without any hon. member of the Senate knowing what they contain.

Hon. Mr. LOUGHEED—I think my hon. friend is in error in saying those ordinances are simply in force for one year. That is not the case. Those ordinances are passed the same as any other ordinance or statute might be passed by a local legislature.. The approval of this parliament is simply a

formal matter, because I apprehend the Yukon legislature or assembly would certainly resent any interference by parliament as to ordinances which they deliberately recommend. That the provision of section 17 of chapter 63, making a provision for the approving of those ordinances by parliament by way of resolution, is something needless. Parliament would not for a moment, it seems to me, undertake to interfere with what was deliberately suggested by the local assembly in the Yukon territory. Why that provision is embodied in the Act I certainly cannot appreciate, yet it is nevertheless there. My hon. friend is in error, I think, in saying these are regulations continuing from year to year.

Hon. Mr. SCOTT—I remember bringing them down last year and the year before. They may not be the identical ones, but I presume they are the same. I will let them stand a day and see if I can get any further information on the subject.

The resolution was allowed to stand.

## THIRD READINGS.

Bill (127) An Act to amend the Adulteration Act.—(Hon. Mr. Scott.)

Bill (135) An Act to amend the Yukon Placer Mining Act, as amended.—(Rt. Hon. Sir Richard Cartwright.)

## REVISED STATUTES ACT AMENDMENT BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (148) An Act to amend schedule A of the Revised Statutes of 1906.

On clause 1,

Hon. Mr. SCOTT—This Bill contains practically one clause. As I explained on a former occasion, the necessity for it arises from the fact that the words in the Act were 'As far as the Northwest Territories are concerned,' but Saskatchewen and Alberta ought to have been omitted from that category. Hon. gentlemen will find the schedules appearing at the end of volume 3, It is under the head 'Title of Act and extent of Repeal' and in nearly every year there is the clause in reference to the Northwest, whereas it ought to have excepted Saskatchewan and Alberta.

Hon. Mr. COFFEY, from the committee, reported the Bill without amendment.

## RAILWAY ACT AMENDMENT BILL.

The Order of the Day being called:

Resuming the adjourned debate on the consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (4) An Act in further amendment of the Railway Act, 1903.—(Hon. Mr. Davis.)

Hon. Mr. DAVIS—It is very seldom that I care to interfere with the decision of a committee. But in this instance the circumstances are exceptional. This is a public Bill, which comes to us from the House of Commons, where it was passed unanimously by the 213 members of that body. It passed its second reading in the Senate, and was referred to the Railway Committee of this House. I attended the meeting of that committee and found the attendance was very small indeed. I do not know why it was so small, but perhaps it was on account of the difficulty of getting through the crowd of lobbyists at the door. There were about 20 members of the committee present when the Bill was disposed of, and if my memory serves me there were ten members who voted.

The SPEAKER—The hon. gentleman cannot refer to anything which has taken place in the committee.

Hon. Mr. DAVIS—Can I not refer to the vote taken in the committee?

The SPEAKER—No.

Hon. Mr. DAVIS—For the purpose of my argument, I wanted to show that ten members of the Senate undertook to dispose of a Bill which had been adopted by 213 representatives of the people in the House of Commons.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. DAVIS—This is not the first time the Bill has been before the Senate. It was sent to us last year and it struck me that the object which the promoter of the Bill had in view was accomplished by section 227 of the Railway Act, but it appears I was in error. I moved to strike the section out of the Railway Act and without any discussion the motion was carried. I want to say here and now that this is not a Bill which was passed hurriedly by the House of Commons or passed without full

discussion. I find that it was discussed last year on the 6th July, and on that occasion Mr. Emmerson, the Minister of Railways, made a speech in which he said that the Bill had been referred to a committee who had reported that it was in the public interest it should become law, and that they had taken it up and incorporated it as a portion of the Railway Act, and in that manner it came to the Senate. When the Bill came before the Commons to be finally disposed of, Mr. Emmerson made a long speech on the subject. The Railway Bill had been disposed of in this House and returned to the House of Commons with amendments, and it was during the discussion on those amendments that the speeches from which I am about to quote were made :

Hon. H. R. EMMERSON (Minister of Railways and Canals) moved concurrence to amendments made by the Senate to Bill (No. 62) to amend the Railway Act, 1903. He said : These amendments are, for the most part, not of a very material character. There is one amendment, however, deserving of some consideration. It will be remembered that the hon. member for Lincoln (Mr. Lancaster) introduced in this House a Bill to amend the Railway Act, 1903, with regard to the speed of trains running through cities, towns and incorporated villages. That Bill was referred to a special committee. The committee took the matter under consideration and deemed that the object of the Bill was a very worthy one, that it was desirable that there should be some amendment. That at least was my view—I was a member of the committee—and we agreed upon an amendment to be recommended to the House as a part of the Railway Act.

Mr. STOCKTON. The agreement was unanimous.

Mr. EMMERSON. It was a unanimous recommendation on the part of that special committee. Now I am free to admit that the change was a somewhat radical one. We were taking the onus or burden from the Board of Railway Commissioners and placing it upon the railways themselves to see that every one of these crossings was protected. I felt that perhaps we were going a considerable distance, and perhaps a little too suddenly ; and it may be remembered that when the matter was under consideration in Committee of the Whole I recommended that this clause should not go into operation until January 1, 1908, in order to give the railways an opportunity to prepare for the burden which had been placed upon them. Naturally this met with a pretty strong opposition from the railways interested, and this opposition has perhaps voiced itself in the amendment of the Senate striking out this clause. Now I can only say that it would be perhaps too late to refuse to concur in this amendment now, it would be too late in the session, and perhaps no good purpose would be served. I can only say that I am in sympathy with the object sought to be attained, namely, the preservation of life throughout the country. There are many fatalities connected with these railway crossings, and my sympathy would be in the direction of protecting as far as possible the public in this regard. I would not wish to go to the other extreme and put too great a burden upon the railways.

In the same discussion, Mr. Stockton made a speech in which he said :

After a great deal of consideration and discussion in committee, we thought that on the whole it would be a fair compromise with the railway companies because it was stated that if we compelled the railway companies to protect all level crossings as provided by the Bill when first introduced it would cost $1,500,000 for the Canadian Pacific Railway and the Grand Trunk to make the change. We thought that would be too much of a burden to put upon the railway corporations at once, because a great many of these railway crossings were not dangerous and it would not be necessary to make at those crossings the provision called for by the Act. We thought it would be better to have a provision that they must properly protect it and then run the risk if it were not properly protected in the case of an accident, of being mulcted in damages under the direction of a jury ; or if they were not satisfied with it they could apply to the Board of Railway Commissioners for instructions as to what would be a proper protection. However I think that as the hon. minister says it is not prudent to allow the other legislation to stand and as the minister promised to give this matter consideration at the next sitting of the House we had better acquiesce in the amendment which has been made, but, I do think there should be some legislation for the protection of property and life in connection with our Canadian railways.

Now the leader of the opposition in the House of Commons takes a different ground from the leader of the opposition here, because Mr. Borden sympathizes with the people. He says :

Mr. Speaker, this proposition is one which has engaged the attention of this House for at least three sessions. It has been discussed at very great length. The hon. member for Lincoln and Niagara (Mr. Lancaster) has forcibly and eloquently urged it upon the attention of parliament over and over again, and finally, during the present session, he has been successful in having at least a measure of relief introduced in the Bill which the government have in charge. The course which was taken by the select committee to which it was referred was a course in accordance with the suggestion of the then Minister of Justice (Mr. Fitzpatrick) who, as reported at page 857 of the revised 'Hansard', said this, referring to the hon. member for Lincoln and Niagara :

'He does not mention the character of the protection nor does he make any provision as to the authority which is to decide what is to be proper protection. I apprehend that my hon. friend might adopt a suggestion to the effect that this protection ought to be sufficient to satisfy the Board of Railway Commissioners.'

Now that proposition made by a member of the administration was carried out. The proposition in the first place was that this Bill should be referred to the Committee on Rail-

ways and Canals. I suggested to the government that it would be far better to refer it to a small select committee which could deal with questions of fact and give a hearing to all parties interested much better than could a large committee such as the Committee on Railways and Canals. So, it was heard by a small committee and all the railway interests, as I understand, appeared before that committee and gave evidence.

Mr. STOCKTON. That is quite correct.

Mr. R. L. BORDEN. The case was gone into very fully, the legislation proposed by my hon. friend from Lincoln and Niagara was not adopted in its entirety, but the modification suggested by Mr. Fitzpatrick was adopted. The power to enforce protection from any railway company could be put no higher than the alternative which is contained in the clause I allude to in the Bill which passed this House.

Mr. Borden further on says :—

It is a rather singular proposition for the Senate, after an hour's discussion, to brush all this to one side, to have no regard whatever to the inquiries which have been made by the committees of this House, to have no regard whatever to the hearings which have been had, but simply to strike this clause out of the Bill. I for one object to this being struck out of the Bill. I think it is a reasonable provision. I think the railway companies of this country must learn to have a proper regard for the safety and sanctity of human life. The provision which is contained in the Bill does not seem to be in the least unreasonable.

If any hon. member in this House thinks that the Bill was not properly and thoroughly discussed in the House of Commons, he need only look at the Hansard report and see how thoroughly it was debated. I do not wish to be unreasonable with railway corporations. If they had not been given a hearing on this question we might be disposed to pause, but this measure has been before the House of Commons for two years, and the railway corporations have been represented by the best legal talent that money could employ. In both sessions the two sides of the question were fully heard ; but with all the legal talent at the disposal of the railway corporations they were not able to convince the peoples' representatives in parliament that this was a bad measure. Last year, when this Bill came to the Senate, it was thrown out, as I understand the function of this House is to be a cooling basin, to check hasty or ill-considered legislation ; but it is not the function of this House when a measure like this has been thoroughly considered for two years in the House of Commons and its committee, when all parties have been heard and the Bill has passed and then referred to us to destroy it. This is not Russia, where an irresponsible chamber can defy the people. The people, by their representatives in the Commons, have said this Act should become law. That is the will of the people, and the voice of the people must be respected. If you do not respect it, they will make you do so. In other words, when 213 of the people's representatives in the House of Commons pass legislation, it is not the duty of 40 members of this House to reject it after it has been twice passed in the Commons. That is the ground I take. I have alluded to the fact that this Bill has been fully considered in the House of Commons, and if any one had visited the committee of that House when this Bill was before them they would have come to the conclusion that greater interest was taken in it in the Commons than we have taken in it here. I cannot understand why a Bill so carefully considered and passed in the public interest should be rejected by the Senate. I am not keeper of any man's conscience, but this measure, in my judgment, is a measure for the protection of human life that ought to appeal to every legislator. It is a question between the protection of human life, the lives of Canadians, and the payment of railway dividends to shareholders in Germany, France and in every country in the world. The railway companies do not agree to this amendment. They say it is impossible for them to take this matter up and deal with it inside of six months. I am prepared to say let them have a year or two years, if necessary, to put their crossings in shape, but the lives of the people of this country are too precious to defer it longer and we cannot allow the railway companies, for the purpose of saving time and money to make shambles of their crossings. That is what the representatives of the people say, and the voice of the people must be heard. We have the power to throw this Bill out, but we are not the direct representatives of the people and we should be careful before destroying a second time, a measure that has been passed by the House of Commons in the public interest. In a discussion here the other day, I heard my hon. friend behind me make a statement which I thought had a good deal of truth in it, and that is, that large corporations are inclined to be

too saucy. There is too much lobbying about these measures in both Houses. For the dignity of this Chamber, and of the other House, it will be well to take some step to put an end to this lobbying, because it is not pleasant to be accosted on one's way to the House by the representative of some corporation and solicited to vote for some measure in which the corporation is interested. The issue to-day is between human life on one side and railway dividends on the other. Which side will the majority of this House take in dealing with this legislation? We should be for the people every time. We may safely conclude that if we look after the interests of the people the railway corporations will look after their own interests. I do not want to be hard on the railway corporations. They are necessary in the development of this country, but there is a limit to the concessions which should be made, and this Bill ought to be placed on the statute-book as a warning to them to protect their crossings. If the Senate pass this measure, it will be a popular thing in the country. This is an unpopular chamber. A few measures of this kind rejected by the Senate would soon make it a great deal more unpopular, if that is possible.

Hon. Mr. PERLEY—I do not propose to discuss this Bill on its merits, but I am going to discuss it more on my own merits. I am somewhat pleased to note that the hon. gentleman has changed his attitude since last year. I was not here on the occasion when this Bill was before the House last session, but I understand that he voted then against it. I am pleased that the hon. gentleman has changed his attitude, because he recognizes by his action the right of every member to vote freely. I want to explain, in justice to myself, the course I pursued the other day. A few weeks ago I was over in the House of Commons and met Mr. Lancaster who spoke to me in reference to this Bill. I did not know anything about it. He said the Bill had passed the House of Commons and been sent to the Senate and we had not heard anything of it, but he led me to suppose it was a government Bill, and he asked me if I would bring it to the notice of the Senate and have the Bill reinstated, and the government would take charge of it. It is within the memory of the Senate that, soon after that, I brought the Bill to the notice of the hon. Secretary of State, and he disclaimed its being a government Bill; but said it was a public Bill. I then moved that the Bill be placed on the order paper again, and it came up a day or so afterwards for second reading. I moved afterwards, that the Bill be read a second time, and then it was suggested by some hon. member that we go into Committee of the Whole on the Bill. The Bill was not mine. I had not been informed as to the merits or demerits of it, and was not prepared on that occasion to look after it in Committee of the Whole, because I did not know anything about it, and I suggested that the Bill should be sent before the Railway Committee of the Senate. I understood then, as I now know, that it is not customary to have a public Bill go before the Railway Committee; but the Senate, out of respect for me, I presume, consented to a deviation from the general rules, and allowed the Bill to go before that committee. I contended that the Bill would there get a proper threshing out, and the arguments pro and con advanced, and the Railway Committee would probably arrive at a proper conclusion on the merits of it. I took every pains incumbent upon me to notify Mr. Lancaster when the Bill would come before the Railway Committee. I am not a member of that committee, but when the Bill came up, I saw that Mr. Lancaster had been notified. He appeared before the Railway Committee, and when I got him there I left the room, and did not pay any more attention to it, because I felt to a certain extent that I was bound to act on the result of the report of the Railway Committee. As I had moved that the Bill go before the Railway Committee rather than to Committee of the Whole, I felt in honour bound to stand by the Railway Committee. When the Bill came before the House again on the report of the Railway Committee, it was moved that it be referred to Committee of the Whole. I hold that I could not have done anything more inconsistent, after the Senate had granted my request and referred this Bill to the Railway Committee, three weeks before, if I had consented then to having the Bill go to the Committee of the

Whole and ignored the report of the Railway Committee. I voted against the Bill being referred to the Committee of the Whole, the same as I did three weeks before that, or the same as I suggested three weeks before that. I would have voted for the report of the committee, because when you send a Bill before the committee, they have an opportunity of hearing all the arguments for and against it. I saw that Mr. Lancaster was there and had all the opportunity necessary. He ventilated his case before the committee, and when the committee made its report, I was prepared to vote for and support the report. The hon. gentleman has referred to lobbying. I have not spoken to Mr. Drinkwater for over two and a half minutes this session, when I happened to meet him. We did not speak of the Bill pro or con. As to Mr. Wainwright I have spoken to him two or three times, and the extent of the conversation was 'good morning, sir.' So that I have not been influenced in my action by lobbying. Nobody has tried to influence me; I voted according to my own conscience, what I thought was right and honest for me to do in the Senate of Canada when they allowed this Bill to go before the Railway Committee and not to the Committee of the Whole.

Hon. Mr. McMULLEN—I was not in this committee when the Bill came before it. I, unfortunately, was absent. I think this is a question upon which we should go slowly. We should give it very great consideration before we amend our Railway Act, seriously limiting the speed of trains. I admit that a great many accidents do occur by people being caught on level crossings, and life and property are sometimes destroyed. I think, however, that if the law would insist determinedly upon the whistles of trains being blown and the bells rung, at crossings, it would do more than legislation of this kind. An engine will kill a man or smash a vehicle just as well when running at ten miles an hour, as it will at forty miles an hour. The great object is to keep the people off the crossings, and if the effort is made that I have indicated by blowing the whistle and ringing the bell, one-half of the accidents that we have, possibly might not take place. You must remember that we are living alongside of a republic where the speed in railway travel is growing greater every year. I travelled from Washington to New York just a week before this parliament met. The run that distance was made in six to eight hours, although it is town or city nearly all the way. If they should place a law of this kind on the statute-book of the United States in place of the run from Washington to New York being made in the limited time it takes them to-day, they would not do it in thirty hours if they were confined to a speed of ten miles an hour at crossings of streets, because it is city or town for almost the entire distance, and if the United States people who travel over our Canadian lines going west from Boston and eastern points learn that on Canadian roads trains running through towns and incorporated villages, are only permitted a speed of ten miles a hour, you are going to seriously interfere with a large percentage of through traffic. You are going to prevent our lines from benefiting——

Hon. Mr. FERGUSON—Will the hon. gentleman allow me to interrupt ?

Hon. Mr. McMULLEN—I do not interrupt my hon. friend. He has the habit of interrupting me every time I address this House. He pointed out a statement I made the last time I addressed the House, and he was wrong and I was right. I want the same freedom of speech that is given to him. I was going to show why, by taking this course, you may seriously interfere with railway traffic from the western states to the east. We do not want to militate against the success of our Canadian railways. We are willing that they should have every opportunity to cope with the formidable competition they have on the other side. We have recently appointed a railway commission. I should like very well if this whole business were relegated to them. If they gave the matter their serious and careful consideration they would devise methods from time to time of adjusting matters of this kind, possibly better than we could do it. My hon. friend from the west has said that this Bill has passed the Commons two or three times. It may have done so. We have no right to be guided entirely by what the Commons does. We are here to act in the

best interests of the country, free and independent, without any influence whatever with regard to what any section of the people may think or say. A remark was also made by the hon. gentleman with regard to members being influenced. While I have occupied a seat in this Chamber, I have not been approached in any way by any railway company or the representatives of any railway company to get me to vote for or against any Bill, and I do not cast reflections upon railways for being represented here. We are glad to see those gentlemen and have them express their views. I have never been discourteously approached or buttonholed in any way to try to get me to vote for a Bill or against a Bill. Possibly it is because I was not thought worthy of being approached. That may be the case. I do not know what the reason is, but I have not been approached. We are developing immensely in the matter of railways. There is no country on the face of the earth with the population that has shown such marvellous developments as we have made for the last ten or fifteen years, and that development is still going on. Let us deal carefully and courteously with every change of this kind that is proposed before it is adopted. I hope the House will accept the recommendation of the committee along that line.

Hon. Mr. DAVIS—The hon. gentleman has tried to leave the impression that this Bill absolutely forces railways to run at a speed of not more than ten miles an hour. It does nothing of the kind. They cannot run faster than ten miles an hour unless they fix their crossings.

Hon. Mr. FERGUSON—The hon. gentleman from Wellington declined to give me an opportunity to make a suggestion while he was on the floor, a courtesy that I have always extended in this House, and he referred to a past debate wherein he said I was wrong and he was right. As he has alluded to this matter, I may be allowed to put the matter right between us, because it happened we were both right. My hon. friend was speaking of the civil service, and he spoke of the civil service in the United States, and I did not observe that he passed on to the civil service in England, and I called attention to the fact that they had no good civil service law in the United States. I was speaking of the United States, and he of England. My interruption was made in the most perfect good faith, and we were both right. When I came to see the official report of the debate I saw at once that it was just a misunderstanding. The observation I was going to make when I interrupted my hon. friend has been partly anticipated by the hon. gentleman from Prince Albert. The hon. gentleman from Wellington dwelt on the great evils that will come from the limiting the speed of the railways. Evidently when he made that speech he did not know that there was no change proposed; that trains are obliged at these crossings to be slowed up to ten miles an hour, in the Act as it now stands. The clause in the Act of 1903 reads :

> No train should pass in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the board.

So that the point that is reached by the Bill before us, is not with reference to the speed of trains. In both cases the train is liable to be slowed up, but for somewhat different reasons. I assume that under the Bill we are now proposing to pass it might call for the application of that law in a greater number of instances than it would under the old Act, but this difficulty of slowing up belongs to the old Act, as well as to the one that is now before us. My hon. friend apparently was not aware of this, and, therefore, his speech was largely beside the question before the House. With regard to my own position, when the Bill came before us I was asked to take some interest in it, and if I approved of it, to help it through. I said I would look at it, and if I thought it was right I would do so. When it came up for second reading, I had not looked at it until I came to my seat, and from the hasty examination that I was able to give it, I thought it was a good measure. I looked at the speeches that were made in the House of Commons by the Minister of Railways and others on the question. I had been told that a compromise had been arrived at there. The Minister of

Railways said that after a committee had been appointed and a long inquiry had been held, they had come unanimously to the conclusion that this Bill, not exactly as it was first introduced, but in the compromised form in which it then stood, should become law, and it went through the House of Commons unanimously. My impression was that there was an understanding arrived at with the railway companies on the subject. Such was the impression of two members of the committee, who communicated on the matter with me. I learned afterwards that the Grand Trunk and Canadian Pacific Railway Companies were not satisfied with the Bill, and that they were still opposing it. Having made a different statement in the House on the strength of the information I received, I made an explanation in the committee in reference to it, that I had found subsequently that the railway companies had not agreed to the compromise Bill, that they were still opposing it. Further, on the day the Railway Committee met—I think it was that day or a day or two earlier—I met Mr. Moore, of the Canadian Northern, and I asked him the attitude of the Canadian Northern Railway towards it, and he said they were not opposing it. Since then I met Mr. Moore, and he said that what he intended to say was that he was not instructed to oppose it; still this company was in opposition to it. So that so far as I know at present, all the great railway companies are in opposition to the Bill. I see that a document has been distributed among us, to the effect that there is an antagonistic feeling against railway companies being stirred up in the country. For my own part I repudiate that in the most distinct terms that I can possibly use. I have no such feeling. The great railway companies of Canada deserve to be treated well. Their interests have a right to be fairly and fully considered in any legislation that comes before this House. They are doing a noble work for Canada. They are co-operating with the government and with the people in developing the material interests of the country. I have a letter in my hands to-day from the president of the Canadian Pacific Railway, addressed to the Premier of Canada. It was published in the 'Citizen' this morning, showing what the Canadian Pacific Railway Company is doing. They have, within the last five years, expended over a hundred millions of dollars in equipment, in betterment of their road, and in building new lines; over one hundred million dollars of profits and capital used for the improvement of the railway interests of the country, and this by one company. The Grand Trunk Railway did a grand service for the old provinces of Canada. That cannot be denied. The Canadian Pacific Railway has almost made Canada, with of course the generous co-operation of the government and of the people. While that is all true, and undoubtedly it is true, and they deserve every fair and proper treatment, we must also remember that we are the representatives of the people, and while it is our duty to see that the railway companies are fairly treated in the matter of legislation, the lives of the people must be the first consideration in any legislation that effects the railways. This question of level crossings is one that is agitating the people not only in Canada but also in the United States. The words 'The deadly level crossings' is a phrase familiar to every man who reads the newspapers. Children and adults are killed on the level crossings. They are a source of danger, and I say that the expenditure of a few hundreds or thousands of dollars to the railway companies should not deter the representatives of the people from seeing that these crossings are made as safe as they possibly can. We know that these crossings are dangerous. Lives are lost at them, frequently, I am sorry to say, but we know that at this very moment the railway companies are very heavily taxed to keep up with their work. We know of the congestion of traffic in the west. We know the demands there are upon the railway companies at the present time and, perhaps, this House, while agreeing to accept the compromise which was arrived at in the House of Commons, not I am bound to say between the railway companies and the members of parliament, but between the members of Parliament who were opposed to Mr. Lancaster's Bill when it was first introduced and those who were in favour of it, that we should not require that the change should come into effect immediately. We might defer

putting it into operation until the railway companies would have ample time to make preparations for it. I think that would be a suggestion that hon. gentlemen might very reasonably entertain, even those who are most earnest in the support of this Bill. I observe that my hon. friend from Digby has given notice of an amendment that this Bill should not go into operation for a year. For my own part I would not object if we were to enact that it should not go into operation for two years, and, if that were the case the railway companies would have time to protect all their crossings. They would have time to make their applications to the Railway Commissioners with regard to new orders. I am told that in a large number of cases there were orders of the Railway Committee of the Privy Council existing before the Railway Commission came into existence. It is provided in this Bill that these orders shall still remain in force. It is not necessary that it should be provided in the Bill, because another section of the Railway Act provides that all orders made by the Privy Council should remain in operation. They are continued in operation. All orders made by this board also remain in operation with reference to crossings. The railway companies could proceed and obtain orders in regard to others. It would not be such a heavy undertaking, I should think, as they try to represent it. I do not think it would cost nearly as much because we have an efficient railway board—it is admitted to be such—with experts in its employ who would be able, on being instructed by the board, to go over these crossings and classify them and declare in every case what kind of protection was necessary. One crossing might call for a more expensive protection than another would require. Others might not require any, but what is now provided. It would be for the Railway Board, on application by the railway companies, to make an investigation by their own experts, and find out how much was necessary to be done in order to protect human life properly at these crossings. What did we call this Railway Board into existence for ? Is it not just for such matters as these that a reference to the board is contemplated under the existing Act, but it is in such a vague way—I mean the Railway Act as it now stands—that it would not be imperative on the companies to make application to the board with regard to these crossings at all. Prima facie the railways would be, under this Bill, called upon to protect their crossings ; but if they were satisfied that a very expensive protection was not necessary they could appeal to the board. I am satisfied that they could classify them in groups and make application in that way, and then there would be orders of the board made, as I have already said, on the result of the reports of the experts belonging to that board, and I believe that the expense to the railway companies would not be excessive. But no matter what the expense would be, it would lead to the protection of human life, and it would also redound to the credit of this parliament if we adopt such legislation as will have that affect. For that reason I support this Bill, not because I have any feeling against the railway companies. I admire them for the work they have done. I have received every courtesy from them, and have no feeling against them, but I am animated by reasons now given, and the reasons which have been stated by the hon, gentleman from Prince Albert arising from the unanimity which prevailed in the House of Commons with regard to this legislation. This matter was before parliament for several sessions, and I think I am right in saying that the Bill has received not only the approbation of the Minister of Railways but of the government as a whole. I understand that a very prominent member of the present government, Mr. Lemieux, was chairman of the select committee ; that the late Dr. Stockton was another member of the committee and Mr. Lemieux and some other gentlemen, who would bring to the examination of the question not only legal ability, but a very great degree of common sense. Their report was unanimous. The House of Commons also came to a unanimous conclusion and to that conclusion they have adhered, and have sent up the Bill to us again so early in the session that it behooves us to give this matter full consideration and make it law.

Hon. Mr. BEIQUE—I desire to express my humble opinion in as few words as pos-

sible. I take it for granted that we are all agreed that the main consideration in this House, as well as in the other House, should be the protection of the life of the public, but I fail to see in examining the Bill which is now before the Senate how life would be protected if it became law. According to my humble appreciation, the adoption of this Bill would have the affect of creating confusion and opening the door to all kinds of litigation, because I must say that I have very seldom found a Bill as badly drafted as this is, and I will explain why.

Hon. Mr. LANDRY—Except the joint address.

Hon. Mr. BEIQUE—We have, under the Railway Act as it stands, a provision that is very plain and clear, which reads in this way :

> No train shall pass in or through any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act or unless permission is given by some regulation or order of the board.

Under this, there can be no litigation and there can be no confusion. The speed is limited to ten miles an hour, unless the track is protected in the manner prescribed by the Act, or unless permission is given by the board. Now what is suggested to be substituted for that is the following :

> No train should pass over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing.
> (a) Unless it is properly protected.

Well, who will decide whether it is properly protected or not ? The question would have to be submitted to the courts of justice. There is no direction as to how the protection is to be furnished. In the Railway Act, under the section I have read, the protection to be provided is defined, but here the words used are 'properly protected.' As I have just stated, the question would have to be referred, in all cases, to the courts to decide whether the crossing was protected or not. Let us proceed further :

> Unless such crossing is properly protected or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations, and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto.

I thought the economy of the Railway Act as passed in 1903, and as it is now on our statute-book, was to substitute for the Railway Committee of the Privy Council in all matters of that kind, that board, and now this Bill seeks to revert to the old system and submit it to a different authority. To my mind that would be creating confusion. It seems to me that the very statement made by the hon. member from Marshfield, that the Railway Board is composed of men in whom we have confidence, and who have all the experience necessary to guide them in arriving at a proper conclusion in matters of this kind, is an excellent reason why we should leave it to the Railway Board and not transfer it virtually from the Railway Board to the Railway Committee of the Privy Council. It is well known that conditions prevail in one place where the speed of a train may be greater than would be safe at other places. Take for instance the town of St. John's, in the province of Quebec. It is well known that the Grand Trunk Railway passes on the outskirts of that town, where it does not cause the same danger as where the Canadian Pacific Railway passes. Why adopt a cast iron rule which will apply in all cases and not leave to the Railway Board the discretion of applying the rule as they may consider advisable in the public interest to one part of a city and not to another. As far as I am concerned, unless we have no confidence in the Railway Board, I think these matters should be left with them. They have all the powers necessary. We have in the Railway Act as it stands a well drafted law, and I would for no consideration consent to substitute for it a law which would have the effect of opening the door to all kinds of litigation and of creating confusion.

Hon. Mr. ROSS (Halifax)—It has been said that we should deal courteously with railway corporations. I think we should deal courteously with our friends in the other House, who passed this measure unanimously. The Minister of Railways, in his speech on this Bill, rather condemned the action of the Senate in throwing out a similar Bill last session. This Bill comes to us,

I may say, as a government measure, because it had the sanction of the chairman of the Railway Committee, and the Postmaster General and the Minister of Railways have spoken in its favour. Yet I find, to my astonishment, that some members of the government in this House are opposed to the action of their colleagues and supporters in the other House. I do not wish to dwell on the inconsistency of such a course; we have to deal with the lives of old and decrepid people who cannot run away when they see a train approaching at the rate of forty miles an hour. Perhaps under such circumstances I could run fast enough to save my life, but I can yet say there are many who might not be able to run as fast as I can. We have to deal as Christians with the protection of life, and I hope that on further consideration this Bill will be allowed to pass. It seems surprising that a Bill which comes to us the second time, endorsed by the House of Commons, is opposed here. There are such wise people in this House that they wish to throw out this measure. The wisdom of such men is almost incrediable to me.

Hon. Mr. LANDRY—I want to call the attention of the House to a point of order. The report we are asked to concur in is as follows:

The Honourable Mr. Casgrain, from the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred the Bill (4) intituled: An Act in further amendment of the Railway Act, 1903, reported that they had gone through the said Bill, and had directed him to report the same with an amendment, which he was ready to submit whenever the House would be pleased to receive it,

Ordered, that the report be now received, and

The said amendment was then read by the clerk, as follows:

Page 1, line 4.—Leave out the whole of clause 1.

On referring to the Bill I see that if we leave out clause 1, the Bill remains as follows:

Bill (4) An Act in further amendment of the Railway Act, 1903. His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

It leaves nothing at all. It is really a mockery. I submit that such an amendment is out of order. On reference to May, page 458, I find it laid down that:

Amendments are out of order that are irrelevant to the Bill; governed by amendments already negatived; inconsistent with, or contradictory to, the Bill as agreed to by the committee; or that are tendered to the committee in a spirit of mockery; and the chairman would decline to put such questions from the chair. The chairman also, regarding an amendment offered to a Bill that was limited in scope to the repeal of a clause in a statute, ruled that the amendment was out of order.

This is the case here, because its object was a continuance and extension of the clause. It does not enact any clause.

The chairman also regarding an amendment of it to a Bill that was limited in scope to the repeal of a clause in a statute.

This Bill asks for the repeal of the clause in a statute, substituting for that clause another clause.

Ruled that the amendment was out of order because its object was the continuance and extension of the clause to be repealed.

If we accept this amendment we continue the clause to be repealed.

The chairman stated that though the committee had full power to amend even to the extent of nullifying the provisions of a Bill, they could not insert a clause which reversed the principle which the Bill, as read a second time, sought to affirm.

For these reasons, I think that the amendments are not in order. If they were carried, in what position would we be? We would have passed a Bill, the preamble of which had been accepted, but which enacts nothing. If we accept the amendment, the Bill will go back to the House of Commons in that form and we would be the laughing stock of all Christendom.

Hon. Mr. CASGRAIN—I understand my hon. friend to say that the report of the committee is not correct. It is a correct report of what took place in the committee. The first clause was not carried. There was only one clause to the Bill, and it is a public Bill. In the first place it might not have been referred to the committee at all; it was intended that it should be dealt with in this House and this House could deal with the preamble of the Bill. In the committee, the first clause was not carried, and the report of the chairman of the committee represents exactly what took place in the committee. The matter is now before the Senate, and it is for the Senate to deal with it.

Hon. Mr. KERR—I propose to move an amendment which will make the matter plain.

Hon. Mr. LANDRY—I have raised a point of order which must be decided before we go any further.

Hon. Mr. KERR—It is still open to move my motion.

Hon. Mr. LANDRY—Not until the point of order is decided.

The SPEAKER—This report of the Railway Committee was made on a public Bill. I cannot dispose of what has prompted the committee to make the report in the form in which it appears. There was a motion made in amendment to the report of the committee, to refer it to a Committee of the Whole House where it could have been dealt with. That motion was rejected. The Senate is seized with the report of the committee, and I do not think that report can be settled by a point of order. It is for the Senate to take action and decide as to the propriety of adopting the report of the committee, or of sending it back to that committee to be amended; or the Senate can amend the report itself.

Hon. Mr. LANDRY—By going into Committee of the Whole.

The SPEAKER—That has been rejected.

Hon. Mr. KERR—I intended to say only a word or two with reference to the merits of this matter. It seems to me the Senate would not be discharging its whole duty unless it adopts the Bill, the principle of which we must assume was adopted when it was referred to a standing committee for consideration.

Hon. GENTLEMEN—No, no.

Hon. Mr. KERR—Hon. gentlemen say 'no, no.' Ordinarily that would be so, and if it was not adopted in this case, it should have been or it should be now. This question about railway crossings should be dealt with now, and dealt with as this Bill provides. It deals with a question of human life and its protection, and we are called upon here to set a higher value upon human life and not submit to postponements or delays in dealing with its proper protection. We have before us now a question which may be fraught with great consequences within the next twelve months. Accidents have happened, and great catastrophes may happen again, and may happen by reason of our refusal to pass this Bill as it came to us from the House of Commons. This question is not a new one. The railways cannot complain that they have not had ample notice. The question was up for consideration when the present Consolidated Railway Act was adopted. It contained this provision, practically, when the Bill came to the Senate; but the Senate struck it out on the ground that it was hasty legislation and that it was unreasonable that the railway companies should be precipitated into such a large expenditure as this would involve on such short notice. An amendment, excluding that provision as to railway crossings, was carried and so the matter has stood from that time to this. It has been the subject of discussion in parliament ever since. A compromise dealing with the matter in the terms of the Bill which is now before us has been arrived at after full consideration by a subcommittee of the House of Commons and the Bill comes to us with the recommendation of practically the unanimous voice of the House of Commons, representing the people who are imperilled by the continuance of the present condition of things. They say, although we have differed in the past, we have agreed now upon a provision which we deem necessary for the protection of human life. Under the circumstances, the Senate would be taking a grave responsibility to reject this measure and to reject it without giving some better reason for doing so than is to be found in the report of the committee recommending that the clause be struck out. To my mind, not many questions of greater importance than this have come before the Senate since I have had the honour of a seat in it. The time has come when railways can no longer complain that it is a precipitate movement; that it is hastily forcing them into a new situation. Let us see what it is that the railway committee are asking the Senate to reject:

> No train shall pass over any highway crossing at rail-level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected.

Is the Senate going to say that whether a crossing is properly protected or not—

whether human life is protected at the railway crossings or not, the railway company shall be at liberty to run their trains at any speed they please, not throughout the whole city or town or village, but where it is thickly peopled—where the population is so dense that human life is always imperilled at those crossings ? Bear in mind it does not so provide for every crossing in a city, town or village, but in thickly settled portions, and unless properly protected. What is unreasonable about that ? Would not every person here admit that such protection should be provided ? Why then should it not be put into the form of law ?

Hon. Mr. MACDONALD (B.C.).—Will the hon. gentleman be kind enough to say what is the defect in the Railway Act as read by the hon. gentleman from De Salaberry ?

Hon. Mr. KERR—The present provision is practically what was sought to be added at the time of the consolidation of the Railway Acts, but, instead of that, the Railway Act was left with a section that provides not for the protection of crossings, but for fencing where the railways track—not the crossings—is already constructed along, upon or across the highway ; and it provides that the board may order the company within a specified time, to submit to the board a plan and profile of such portion of the railway ; and upon such submission make any order in respect thereof as in the previous section provided. That is the provision in section 187. Section 227 is the one which this Bill was intended to repeal, and section 227 reads as follows :

> No train shall pass in or through any thickly settled portion of any city, town or village at a speed greater than ten miles an hour unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by such regulation or order of the board.

What is the provision with reference to crossings ? What is the fencing which is required there ? Not fencing which protects people crossing over the rails, but fences in the nature of cattle-guards, fences which prevents one from driving from the highway along side of the track ; fences which might in some cases where there are no cattle-guards, be an obstacle in the way and cause accidents rather than protect one from them. Fences which would prevent one from turning his horse and driving it parallel to the railway when the horse could not be stopped. So, in point of fact, by the fencing provided for in this statute, and the only one as it stands, would imperil rather than protect life in many cases. Having regard to the gravity of the matter, and the way in which this subject has been dealt with in previous sessions, having regard to the way in which this Bill comes to us now, we are assuming a grave responsibility if we allow it to be rejected in the way this report proposes to do. Let me read to you a word or two of what was said by one who, we may suppose, would have the largest amount of experience and knowledge, and the benefit of the department behind him in speaking on this subject—the ex-Minister of Railways. After speaking of what had been done in a previous discussion, he said :

> We thought it in the public interest that there shoud be some further protection with respect to level crossings and it seems to us under present conditions that no better provision could be had than that contained in this proposed legislation. No one can fail to recognize that there are very many accidents all over Canada yearly, monthly, weekly almost in connection with these rail level crossings, and it was considered that some provision should be made to obviate that danger. The committee therefore made this proposition, which was accepted by the House of Commons unanimously, in fact while the Bill was promoted by a private member it was adopted by the government and made part of the government Bill in amendment to the Railway Act, but when it went to the Senate in the last hours of the session the Senate declined to accept it. It is not for me to question the judgment of the Senate, but it seems to be in the public interest there should be legislation of this character.

I have stated already the view which was taken by members of the Senate when they dealt with that settlement as part of the Railway Act, and I have also stated that the time which elapsed since has given an opportunity to have this objection removed. Now the point of the Bill, as I understand it, is, that instead of the railways being allowed to leave open and exposed a crossing in a thickly peopled part of a city, town or village, they are to be required now to have that crossing fenced or protected in some way. Unless they go to the Railway Board, and have it settled what that is to be, they must take the responsibility and the consequences of protecting it themselves. If they do not choose to do that, they can go to the Railway Board.

They have the choice of one or other, and getting the protection of the Railway Board or the determination of the Railway Board which would relieve them from responsibility. But unless they do that, the onus, the responsibility is upon them to have the crossing protected. That is the point we ought now to determine. I beg to move now, seconded by Hon. Mr. Ellis :

That the report of the Standing Committee on Railways, Telegraphs and Harbours on Bill (4) be not adopted, but that the said Bill be referred back to the committee, with instructions to report the said Bill as it was referred to the said committee.

Which means the adoption of the Bill.

Hon. Mr. BEIQUE—Is it not true that under section 227, the track has to be fenced in, or that the Railway Board must intervene to give the protection ?

Hon. Sir MACKENZIE BOWELL—I desire to ask how far the motion which has been placed in your hands by way of amendment duplicates or reaffirms what the House has already rejected ? I think the parliamentary rule is that you cannot, after any question has been affirmed or rejected in the House, repeat the same thing again during the same session. A motion was made for the adoption of the report. You will find it on page 715 of the minutes. I do not think my hon. friend from DeSalaberry was present on that occasion. The motion was made for the adoption of the report, then the Hon. Mr. Ferguson moved in amendment, seconded by Hon. Mr. Wilson, that the amendments be not now agreed to, but that the Bill be committed to a Committee of the Whole presently. Was that motion for a reference to the Railway Committee ?

The SPEAKER—Yes.

Hon. Sir MACKENZIE BOWELL—Then I stand corrected, but it only makes it worse.

Hon. Mr. WOOD—I have listened very attentively to the various addresses with a view of hearing some arguments, or getting some statement of facts which would deal with the merits of this Bill, and give us some good reasons for changing the decision which the Railway Committee have arrived at in regard to it. We have heard a good deal with regard to the importance of human life, and the great necessity of passing this legislation at the present session in order that human life may be better protected ; but I have failed to hear from any speaker who has addressed the House in support of this Bill any statistics, or even any arguments, to show that the adoption of this Bill contribute in the least to the saving of human life. It does not appear to me that the loss of life at railway crossings has been very great. The accidents which have occurred, as reported in the railway statistics, have been very much larger where people have been walking on the track itself, and not at the crossings where railways crossed the highways. The accidents there are comparatively few compared with the accidents at other places. We have no statistics, so far as I am aware, to show what proportion of the accidents which do happen at public crossings are due to the high rate of speed at which some express trains are run, and much less do we have any statistics to know what proportion of these accidents are due to carelessness or drunkenness or some contributory neglect on the part of the person who is injured at the crossing. So far as my own observation and experience have gone, I am led to believe that the greater number of these accidents, I should say 99 out of every hundred, are due to carelessness or negligence, and too often to the fact that the person injured at the crossing happens to be in a state of intoxication, or for some other reason is unfit to take care of himself. It does appear to me that when we are asked to adopt an important measure like this for the protection of human life, we should have some statements of fact or some statistics to show that there is really urgent need for it, that the loss of life or accidents which occur at highway crossings, under the existing state of things, are in some way due to the speed at which the trains are run at these crossings, and to the lack of adequate protection furnished by railway companies. A good deal has been said, and indeed the gist of all the arguments that have been presented to the House has been that this matter has been the subject of consideration of parliament for two years, that it was referred to a special committee in the House of Commons, and that the Bill which we have now before us is the result of the investigations by that committee, and which that com-

mittee reported to the House. That this Bill further had the sanction and support of the Minister of Railways and the representatives of the government in the other House, and it also had the support of the leaders of both great political parties. I am not disposed to say anything derogatory to the high character of these gentlemen and to their ability to frame a measure of this kind ; but so far as I have been able to examine this measure it does not, to my mind, show that it has been prepared with such great care as we would expect a measure to be prepared by the gentlemen to whom reference has been made. The hon. gentleman from De Salaberry pointed out what I am referring to, that this Bill is, in his opinion, a very clumsy amendment of section 227, which is found in the old Railway Act, and my views with regard to that section differ slightly from the views which have been expressed to the House by any gentlemen who have hitherto addressed it. If that section is read carefully hon. gentlemen will note that it applies not to highway crossings alone, but to the whole track through any thickly populated city, town or village, that the parts of the track, except the highways, require to be fenced according to the provisions of this Act. The highway crossings are protected with cattle-guards so that it is impossible for any horse or carriage to go on and impossible for any person to get on unless they climb a fence, and in that way the trains cannot be run in the cities, towns or villages at a higher speed than ten miles an hour. Then so far as the level crossings are concerned, I take it that section 227 includes these crossings as well. A portion of the third and fourth lines covers that. It reads :

> Or properly protected in the manner prescribed by this Act.

The track between the crossing has to be fenced in accordance with the provisions of this Act, and at the highway crossings the trains have to be run in accordance with the provisions of this Act, which are that the bell has to be rung and the whistle sounded, and a sign posted up giving everybody notice that there is a railway crossing at that point. Now, in the clause which it is proposed to substitute for that clause, no reference is made to any portion of the track within a thickly peopled city, town or village except the highway crossing. The Act which it is proposed to substitute simply refers to a highway crossing and makes no reference to any other part of the railway. I consider that that is a very important omission, and, in that respect, the clause in the Act as it stands on the statute-book is very much better than the clause which is proposed in the Bill now before us. Not only does it provide for the fencing of the track between the highways where the cities or towns are built up and the land is occupied, but, we all know, that in thickly settled villages and small towns particularly, there are large open spaces which it is not the business of any private owner to fence, and including this, this clause in the old Act has been made so broad that all spaces of that kind, and the track itself, and the highway crossings, have to be properly protected if a train is allowed to run at a higher speed than ten miles an hour. The hon. gentleman who introduced this measure said that last year when it was introduced, he introduced the amendment to give it the six months' hoist. This year he is advocating the measure, and he certainly does advocate it with all the zeal of a new-made convert, but it occurred to me, while listening to his speech, that if he had given us some of the great and important reasons which had been suggested to his mind, which led him to change his opinion since last year, they might have had an important influence on this House. However, in some way or another, he avoided that entirely, and relied solely on the fact that the Bill had been passed twice by the House of Commons, to induce the Senate to endorse it. I have studied the matter somewhat, and so far as I am concerned, I have so strong an opinion that the Act as it stands on the statute-book is far superior to the Bill which is now before us, that I must support the report of the Railway Committee. The hon. gentleman from Toronto calls attention to section 187 of the Railway Act. This section deals with existing crossings : that is any crossings where the railway crosses the highway at the time this Act was passed. The preceding section deals with railways which were to be constructed after the passing of this Act and prescribes that before they are carried across any

highway, a plan must be submitted to the commissioners, and that they should prescribe whatever was necessary for the protection and convenience of the public ; but with regard to existing crossings—that is railways which had already been constructed the Act says that where a railway has already been constructed upon, along or across any highway, the board may order the company within a specified time to submit to the board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereto as is in the previous section provided. Now, in this Act, the board are clothed with full power to make any order whatever, whenever their attention as called to the fact that a railway crossing is dangerous, and needs any protection ; and it would appear to me if any amendment is desired, it would be much simpler and would meet the case much better, if that Act were simply amended by inserting instead of the word 'may' the word 'shall' in which case it would read that where railways are already constructed along and across any highway, the board shall order the company within a specified time to submit a plan and profile of such portion, upon which they will make an order. That would have been a reasonable mode of accomplishing what some hon. gentlemen think it is very necessary to accomplish. But I cannot vote for this Bill, which is a bungling measure, and as the hon. gentleman from De Salaberry points out, must inevitably lead to litigation and confusion if it is passed.

Hon. Mr. CLORAN—I agree with the hon. gentleman from De Salaberry in regard to the legal interpretation of this Bill. He is fully justified in saying that it is badly drafted and very clumsy and will lead to litigation. He has found these defects in it, and I find another, a very serious one, that will practically annul the object of the Bill, if it should pass. This Bill is subject to the authority of two bodies. One is dead, and the other is alive. The Railway Committee of the Privy Council is no longer in existence. The Board of Railway Commissioners exists, and this Bill says that these regulations shall be subject to the approval of the Railway Committee of the Privy Council and of the board. Under the old law it is simply necessary to carry out the provisions of the Railway Act to have the sanction of the board ; but now you are asking parliament to pass a law to have the provisions of this Bill carried out by the Railway Committee, which has transferred all its powers to the Railway Board and asking the Railway Board to endorse afterwards what the dead Railway Committee may have done. That is absurd on the face of it, and confusing, and nullifies the provisions which they put in the statutes. They ask that the regulations shall be passed upon by the Railway Committee of the Privy Council and the board. It does not say 'or the board.' It requires the sanction of the two bodies, and supposing the Railway Committee of the Privy Council is reorganized for the purpose of carrying out the provisions of this Bill, the railway authorities and the public will have to deal with the two bodies. They will have to deal with the body politic, the Railway Committee, and they will have to deal with the Railway Board. Whoever drafted this Bill went too far, and has put in an element which destroys its usefulness. I also agree with the hon. gentleman from New Brunswick, that the Bill is clumsy, that it is not an improvement by any means on clause 227 of the Railway Act of 1903. If it were an improvement on it, I should be in favour of it. If it facilitated the transaction of railroad business in regard to the relation of the public towards the companies, I would be in favour of it ; but the provisions of this Bill do not make for any such amicable arrangement. On the contrary, it destroys the effect of what we had to fight for so hard four years ago, and I was one of those on the floor of this House who helped to get clause 227 and the other sections passed in spite of great opposition at the time. We fought strenuously for it. We have had it in force for the last four years, and it is and has been effective. All the public have to do is to appeal to the Board of Railway Commissioners and they will get all the protection necessary. Section 227 is as plain as ABC :

No train shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced.

Hon. Mr. DAVIS—Are you going to fence the road ?

Hon. Mr. CLORAN—Unless the track is fenced, if the Railway Commissioners have any sense, they will certainly order a fence to be built. They will either put a permanent fence along the railway, or, if it is a crossing, they will have a gate which will drop up and down to suit the conditions. The Railway Commissioners are not three babies. They are not men who are going, when a demand is made upon them by a municipality, to have a certain class of protection, to say the law does not give them power. I know the chairman of that commission, and the commissioners themselves, are fully persuaded and convinced that under this law they have all the power requisite to protect life. Why change it? Will any hon. gentleman dispute the contention I have put before the honourable House that these things cannot be done unless we ask the Railway Committee of the Privy Council, which no longer exists, to sanction the provisions of the Bill? In the face of that objection, are the promoters of the Bill to ask to have it passed, notwithstanding the plain absurdity on the face of it? I do not think this honourable House should do so, in view of what we have already placed upon the statute-book, and which, with proper arrangements between the railway company and the public, life will be protected. If the Bill was an improvement on the provisions of the Railway Act of 1903, I should be in favour of it, but it is no improvement and is a piece of clumsy legislation that may lead to litigation and contains nullifying elements in it. I say this House should not be called upon to pass it.

Hon. Mr. ROSS (Middlesex)—I had the honour of supporting this measure when it came first before the House and am of the opinion still that it is a good Bill. My hon. friend from Montreal says it is not well drafted, and in proof of that assertion he compares this Bill with the Railway Act. I understand the Railway Act, as it is now on the statute-book, is practically the same as the Act passed in 1903. This Bill now before us went before the House of Commons in its present form in 1906 and also in 1907. It passed through the hands of two different Ministers of Justice, the highest legal authority in the House of Commons or in the country extrajudicial of course, and of the then Minister of Justice, Mr. Fitzpatrick, and the present Minister of Justice, Mr. Aylesworth. As to the members of the House, I would assume that they would see that the Bill was consistent with itself. I would assume that their opinion should carry a good deal of weight. It does with me. I would assume that they would not allow a Bill to go through the House inconsistent with itself or that was badly drafted, or in any sense a bungled Bill; and, although I do not like to commit myself absolutely to the judgment of any man, at present I am inclined to commit myself to the opinion of two Ministers of Justice and to assume that this Bill is reasonably well drafted and that it will serve the purpose for which it was intended. But further the Bill passed to the Railway Committee of the House of Commons and was endorsed by it, one of the largest committees of the House of Commons, on which there are no doubt a great many able lawyers. So we have, at all events, the imprimatur of a large body of able lawyers who are not members of the government, as well as the opinion of two members of the government occupying the highest position under the Crown. I am going to accept that for the moment, not setting up my opinion against it, although I may on some other occasion.

Hon. Mr. POWER—This was not a government Bill; it was a public Bill in the hands of a private member. And I am not aware that the Minister of Justice said that it had his approval or that he drafted it.

Hon. Mr. ROSS (Middlesex)—I assume that the government would not let the Bill go through on its responsibility unless it was a proper one. That is to let the Bill go through on its responsibility unless it was a proper one. That is the rule of the constitution; the government is responsible for all legislation. For public legislation, in a certain sense, as much as for decent legislation, the government would be recreant to its duty to allow a Bill to go through that traversed or contradicted the Railway Act, which was a government Bill, or that would on the face of it be ineffective if it passes. Hav-

ing passed the House of Commons with the consent of the government, the government must have been satisfied that it was a good Bill. No member of the government voted against it. Nothing more could be done than would have been done if it had been a government measure. It satisfies me at all events. Shall we be less careful of human life than the ordinary municipality is ? If we refer to the legislation of all the provinces, and particularly of my own province, Ontario, we will find that in matters where life is in far less danger than from railway trains, there is legislation for its protection. Take the matter of bicycling ; in every municipality of any standing there is a by-law that any one using a bicycle should not run it at a greater rate of speed than the limit fixed in the by-law. Why ? Not because there is not good sport in bicycling, but that public life must be preserved. The worst that could happen from a collision with a bicycle is that some body would get a tumble. The same with regard to speeding vehicles on public highways. There is a limit to the speed allowed, and that limit is prescribed by the municipality under a provisional Act. The same applies with regard to automobiles ; the rate in cities is limited, and in the country is not to exceed fifteen miles an hour. I find the same provisions in many states of the neighbouring union, for I had occasion to study that carefully when I was in Toronto; there is a limit to the speed of automobiles. The automobile is dangerous enough, but not so dangerous as a railway train. The provincial legislatures and the municipalities pay some regard to the protection of human life, and surely it is not going to be said that the Senate of Canada is the only body that having the opportunity has neglected to adopt such precautions as are proposed in this Bill. Here is a somewhat startling fact to my mind. I have before me the statistics of the Dominion of Canada showing the loss of life and injury to persons caused by railway trains. I find there were killed at railway crossings : in 1902, 41 persons ; in 1903, 53 persons ; in 1904, 37 persons ; in 1905, 59 persons.

The Railway Act was passed in 1903 and it does not seem to be effective yet in preventing loss of life. Subsequent to the passing of that Act, 59 persons were killed in one year. Is there anything more that we can do ? Besides those that were killed there were injured : in 1902, 60 persons ; in 1903, 72 persons ; in 1904, 65 persons ; in 1905, 67 persons.

The extent of the injuries is not given.

In many cases it may have been perhaps worse than death.

Hon. Mr. SULLIVAN—Where are those figures to be found ?

Hon. Mr. ROSS (Middlesex)—The official statistics published by the Department of Agriculture, and I think they are probably taken from returns made by railway companies to the government. Now that is a very serious catalogue. If we could only look behind the 190 persons that were killed in those four years and see what their death involved, we would shudder before we opposed this Bill. That is my own feeling. To those 190 persons who were killed, life was as precious as ours is to us, and to their families we cannot estimate what their death involved. Then who can imagine the untold torture of the 264 persons injured at railway crossings ? I want no other reason for myself. I do not care what railway companies may say about the convenience to the public of running railway trains at high speed, and I do not care what inconvenience it may occasion railway companies to slow down ; I do not value those more than trifles light as air when I consider the loss of 190 lives and 264 persons injured in five years. I want the railway companies to feel that somebody, perhaps, is taking a little interest in their business. In the last five years there were killed in Canada, in connection with the railways, 1,930 persons, that is people who fell from engines, people who jumped off moving trains, people working on the track, people looking out of the windows, people coupling cars, people killed in collisions and in trains thrown off the track. There was a vast loss of life by collisions. In 1901, 44 persons, in 1902, 92 persons, in 1903, 77 persons, in 1904, 49 persons.

In the same period there were 6,865 persons injured. Why the Boer war was but a circumstance compared with the loss of life on our railways. Let me repeat it—

1,930 killed and 6,865 injured, and the injuries may have entailed as great a loss to the public and to the families of the injured persons as the loss of life. We have here a simple proposition: shall we take the side of safety and humanity, or take the side of the railways who, perhaps, desire to gain a few minutes in speed or to make a record in comparison with the railways of the United States or perhaps to suit the convenience of some men who are anxious to make a certain connection and pass the word on to the conductor that they must sweep through cities and towns no matter whose bones are broken or lives are destroyed, and that they should do all this for the precious privilege of advertising themselves to the world as a great corporation. I would choose the health and life of the people of Canada first. Let me give an illustration of what I mean. A distinguished Canadian lawyer, Mr. Walter Barwick, was killed in a railway accident while travelling from Southampton to London. He wanted to reach London at a certain time and he left the steamer about midnight and took a fast train to London. The engineer wanted to make London at a certain time. The train in sweeping around a curve was drailed and Mr. Barwick was among the killed; and what for? To meet the desire that the train should reach London at a certain hour. Mr. Barwick's family were compensated as far as money could compensate, but what is that to the family? What is it to the families of the 190 persons who were killed at railway crossings if the railway does make a speed record? I have cited, as an illustration, the legislation of the provinces and municipalities, and, as I said before—and I say it with some feeling of emotion—I shudder at the thought that so many lives should be lost under circumstances which are not at all warranted. We live in a fast age and are getting faster. We live at the sacrifice of nerve and tissue, and if by an Act of this kind trains were slowed down and lives saved we would be serving the public and proving ourselves a useful body.

Hon. Mr. SULLIVAN—I cannot allow this occasion to pass without saying a word. I have been deeply moved by the pathetic eloquence and denunciation of the hon. member for Prince Albert and the pianissimo utterances of the hon. member for Marshfield, and this burst of eloquence from the hon. gentleman from Middlesex caps the climax. It is all very well to talk about the public; I am just as anxious to save life as any one of them. The idea of any of those gentlemen assuming—because by their expressions they do assume—that any party who votes against this Bill is refusing to protect human life is absurd. How does any hon. gentleman know that one man, woman or child would be saved by the passage of this Bill? I contend they would not. I do not think the railways are to blame at all. At Kingston, as the right hon. Minister of Trade and Commerce knows, one of the most dangerous crossings in the country exists. I have been three or four times in danger there myself. Now, an order was passed that that crossing should be made safer. It is on the boundary of the city of Kingston and the county of Frontenac. It was decided by the Railway Commissioners that the railway company, the city and county should each pay a share of the expense of protecting the crossing. The railway company is anxious to provide the protection, but the city and the county municipal authorities are squabbling over the matter yet. I do not see why we should put the railways to millions of dollars expense or disturb their arrangements for nothing. I challenge the accuracy of the figures which have been furnished to us of the number of persons killed. If people will attempt to cross a railway track before a moving train they take their chances, and I hardly think the railway is to blame. I do not care whether there is a bar there or not, you could not protect the lives of people who are so reckless. I am as anxious for the public good and the safety of human life as any member of the Senate can be. I am not speaking in favour of the railways because of any expectation I have of getting favours from them. I repudiate such an idea as that, but honestly, from what I know of the state of affairs in Kingston, I fail to see any reason whatever to change the present law and adopt probably what is worse.

The Senate divided on the amendment, which was rejected.

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The SPEAKER—The question is now on the adoption of the report of the committee.

Hon. Mr. DAVIS—Six o'clock—I have another amendment to move.

The report was adopted on a division.

At six o'clock, the Speaker left the Chair.

## After Recess.

### THE SENATE DEBATES.

#### MOTION.

Hon. Mr. BEIQUE—moved the adoption of the report of the Standing Committee on the Debates and Reporting of the Senate. He said : The first part of the report deals with a recommendation to adopt the system of publishing the Debates which prevails in the House of Commons. If this recommendation is adopted, it will mean that what is known as the revised edition will be dropped. Under the present system, there is an unrevised edition, which is issued daily, the day following the sitting. This would be continued. We get also a revised edition which contains any corrections which may be made in the first issue, and then there is a further revised edition which is issued in book form. We would get the first and the last, but the intermediate issue would be dropped. Hon. gentlemen would have an opportunity of revising and correcting the reports of their remarks only once, as in the House of Commons. The advantage of the system is that it would save a large amount of the expense of printing, and the edition which goes to the public instead of being this first revised edition for which there is no index, because the paging is changed for the book form, would be the book edition as issued, and we would get the book form much sooner than we can get it under the present system. All considered, I think it would be a decided advantage to adopt the practice of the House of Commons. It would be with the understanding that we would also get the same facilities as to galley forms, which are issued in the House of Commons and enable members of parliament to make the corrections promptly and in advance of the revised edition. I have here a letter from Dr. Dawson, in which he very strongly recommends the adoption of this practice. I know that he is actuated by a strong desire to accommodate the members of this House and to save as much expense as possible. The system is working admirably in the House of Commons, and there is no reason why it should not work equally well in this House, and it would make the practice uniform in both Houses. The second recommendation in the report is that Holland Bros., the official reporters of Debates, be paid for the present session $8,000 instead of the present contract price. This would cover the reporting of the divorce and other committees. The amount paid them last session was $5,832.90, exclusive of what was paid for reporting committees. It comes to about the same price per page as the 'Hansard' of the House of Commons. The reporters have been complaining that our adjournments make it very difficult for them to keep a permanent staff, and they have asked for an increase. The committee has come to the conclusion to grant the increase for the present session, and the amount stated in the report would give them, on the basis of last session, an increase of some $1,800. The last question dealt with in the report is the amount to be paid to the press reporter. He has submitted to the committee that he has been getting $30 a week out of which he has to pay $10 to some one to replace him in the House of Commons while the Senate is sitting, and $10 a week for the typewriting, and the com-

mittee has come to the conclusion to recommend that he be allowed $40 a week. I think the work has been very satisfactory. The synopsis is furnished to some 25 or 30 newspapers. I have not sufficiently followed the papers from other cities to ascertain what has been done, but I know that in the city of Montreal the 'Gazette', the 'Star' and the newspapers generally publish the report of the Senate proceedings.

Hon. Mr. BERNIER—With regard to the remarks made by the hon. gentleman, I may say that the system which is recommended at present of the unrevised edition was in operation some ten years ago, and then it was a little deficient and it was arranged afterwards that we should have the proofs in galley form, which prevailed until last year. Again we come back to the old system, and I must say that I have not much feeling about this change. One or the other would suit me. But as to the second recommendation, to not issue any revised edition, I must say that I entirely disagree with that proposition. It may be economical, but it would be at the expense of the exactness of the report. You have first an unrevised edition which gives the member who has spoken a chance to make corrections, but we do not know that in the book form we will find the correction that we have made. You will find afterwards that when you get the book form, some of the corrections you have made have not been made by the printer, and then you will complain about the inaccuracy of the report. I must say again, some economy may result from this proposed method, but it will be at the expense of the satisfaction furnished by having a revised edition. The copies of the revised edition do not cost very much—it is not worth speaking of—and you have an opportunity to see whether the corrections you have made on the unrevised editions have been properly made in the revised edition by the printer. If you do not, you will find many deficiencies in the book form. You have no chance to correct it yourself and you have to take it as it comes.

Hon. Mr. COFFEE—I think the objections raised by my hon. friend with regard to the revised proof can be easily overcome. It is, I know, the custom for some members —and I suppose it would apply to both Houses—to make a great many alterations in their speeches. In such cases it would be quite in order to ask the Bureau to send him a revised proof; but I think you will all agree with me that the alterations usually made in galley proof are of such a nature that an ordinary printer can very readily see that they are correctly made. Therefore I think the recommendation of the committee is a wise one and would work well; if it does not work well, we can easily alter it. I think we should give it a trial at any rate.

Hon. Mr. FERGUSON—I may say when this subject was discussed in committee, I entertained very strongly the views set forth by the hon. gentleman for St. Boniface but this fact must be borne in mind that we have been advancing very rapidly in improvements with regard to the expedition in getting out these debates in late years, and if he will look at the report, it is provided that we are to have the same advantage that they have in the House of Commons with regard to being furnished with proofs in galley form, before the revised edition. In the House of Commons the members who have spoken are furnished with a proof on the day they have spoken, in galley form and they can make rough corrections in it and what appears in the morning as an unrevised has already been under the eye of the speaker and has received a rough correction. Now I regard it as a matter of very great satisfaction, that we are almost abreast of the House of Commons in the matter of expedition. It used not to be so. We used not to see the unrevised edition for two or three days, and the revised for perhaps ten days. Now we are advancing and there is a strong hope entertained that before another year some machinery will be installed which will still further expedite matters, so that it will be possible to give any member who has spoken in the afternoon, or even in the evening, an opportunity of correcting his speeches in galley form on the same day, so that it will not be absolutely the unrevised that will appear next morning. If that happens, we will be just in as good a position as we are now with the unrevised and the revised editions. By having it first in galley form it will give us just the same number of stages that we have now, while we will have this decided

advantage, that the book form will come out instead of what we now call the revised, and that it will be furnished with a monthly index, and in that way will become valuable for reference, not only among ourselves, but just as the House of Commons book form now to the members of the press to whom it is sent and to everybody else. I agree with my hon. friend from London that it is well worth our while to give this a fair trial and we are very hopeful, from the information we have, that machinery will be equipped in the reporters rooms by another session which will bring matters at least up to the standard of the House of Commons service at the present time, and if that is done we will be all right. I think hon. gentlemen will do well to adopt the report and give it a fair trial. I have experienced some trouble just as my hon. friend has. I have found on one or two occasions that the book form has been mutilated in making the corrections from the revised. Lines had been put in twice, and such things as that had been done. Of course that may happen at any time, but where the speech is loaded with figures and tables it is the duty of the member making the speech to give the printer all the help he can and see that it is made right, because sometimes figures are rather complicated and tables are not in a form the printer can follow easily, and it is a duty of the member to render all the assistance possible.

Hon. Sir MACKENZIE BOWELL— I understand by this first paragraph that we are to return to the system that prevailed some years ago, of having the edition of the first report sent to each member in galley form, instead of, as at present, in page form. Is that what is recommended in the words 'your committee recommend that the practice obtaining in the House of Commons be adopted'?

Hon. Mr. BEIQUE—Those who will take part in the debate will get the galley form, and all members of the Senate will get the unrevised edition as we get it to-day, and then we will get the revised edition in book form. I omitted to make it plain that under the system now prevailing the first revised edition is distributed to the public and to all newspapers; but there is no index and there can be no index for that edition, so that it is thrown into the waste paper basket and it is no use for future reference, and our debates therefore are not really as useful as they should be; whereas, under the change, if the change is adopted, the index will be furnished to the general public and the ordinary newspapers, because it will agree with the book form, and the book form will be issued much sooner than it can be issued now. It has been stated that the cost of the unrevised edition is but a trifle. I believe the cost represents a pretty large amount, because all the matter has to be kept standing during the whole session and the book form is printed only after the session, and sometimes pretty late, because some alterations might be made by two or three or half a dozen members of the Senate at a very late period.

Hon. Sir MACKENZIE BOWELL—I understand all that. The only question I ask, a matter of which I am not sure, is as to the manner in which the first edition was to be sent to each member who had made a speech. The hon. gentleman may not remember, but before he came into the Senate the report of each senator's speech or remarks was sent to him in galley form. It was afterwards changed to the present system, which I think every practical man would object to at once as adding a great expense to the getting out of the report. I am very glad to see that the committee have returned to the old system and I must say 'I told you so.' That is a very old saying, but hon. gentlemen will remember that I pointed this out on two or three occasions. If you have the proof sheet as formerly sent to you in page form, every hon. gentleman knows that if you add a line or two lines to it, you have to run over several pages in order to get the adjustment correct, and it is a large expense. The corrections in many printing offices, which take place particularly in the printing of a book, cost sometimes a fourth and sometimes half as much as the original composition, and the time that is wasted in changing the different pages and forms where you have to run it over, as my hon. friend said a few minutes ago, where an important change is made in the speech, and in many cases a line or two added in order to make the ideas that have been

advanced by the Senate plainer to the reader, necessitates, if a sixteen page forme going over the whole sixteen pages. It will be a saving of expense, I am sure, and much easier and better to have the galley form for those who desire to make any correction. As to the other portions of the hon. gentleman's remarks, I understand from the report what is intended, and I am under the impression, looking at it casually, that it is a great improvement on the past system.

Hon. Mr. BERNIER—As to having the book form sooner than we get it I have very great doubts as to that. I think these are, perhaps, suggestions by the printers, which they are in the habit of making, and if the expectation can be realized well and good. If the senator who speaks is to get a proof of his remarks in galley form himself only, and we are to have an unrevised edition, it is not so objectionable as I understood the report to be at first, and I suppose the chairman can give us the assurance that we will get that proof in galley form. With that change, I think the experiment is worth while trying.

Hon. Mr. POWER—I have not any very strong opinion upon the matter which is before the House, but I have some little doubt as to what the practical working of the new system will be. Substantially it is going back to the system which prevailed ten or a dozen years ago. We were not satisfied with the system then, and I think the general feeling among the members of the House was that the change in having the unrevised edition come out the morning after the debate was a decided improvement upon the previous system.

Of course, it has been said by some hon. gentlemen who are members of the committee that we shall have our speeches in galley form on the same day on which the speeches are delivered. I have no doubt that would be a consummation devotedly to be wished, but I have very grave doubt as to whether we shall see that consummation arrive. Our experience in former years, when we were furnished with proofs of our speeches in galley form was, not that they came out so early; but, on the contrary, we got the proof in galley form about the same time that we get the unrevised edition now, and we got the speeches in complete form about the time we now get the revised edition. It may be that with the greater facilities for rapid work, which I understand exist now, we may get the unrevised edition the morning after the speech is made, but I take the liberty to doubt it. There was this thing with respect to the unrevised edition; while it might not be altogether fair to the hon. gentlemen who had spoken the day before, it at any rate gave the other members of the House a chance to see what the substance of the speeches had been. If, for instance, an hon. gentleman to-day wished to reply in a certain sense to an hon. member who had spoken yesterday, he had in the unrevised edition the substance of the speech of the hon. member to whom he wished to reply, which was a great convenience, no doubt. That we cannot expect to have unless the reporter and the Printing Bureau show greater promptness than they have done in the past, I say specially, the Printing Bureau.

Hon. Mr. ELLIS—The unrevised edition will not be affected by the change.

Hon. Mr. POWER—I venture to express a doubt as to that. For one thing, I have known the reports of the 'Debates' to be hung up for three or four days because some prominent member of the Senate had not taken the trouble to correct his speech. Some hon. gentlemen were too busy and could not spare time to correct the galleys sent them, and I have known the first edition to be delayed for three days for that reason. It should be distinctly understood that under this new system no neglect or incapacity of a senator to correct his speech immediately should hinder the unrevised edition from appearing next morning. Hon. gentlemen will see how hard it is for officers like the reporters, if a prominent member of the Senate has made a long, and what he thinks an important speech, to issue the revised edition before that hon. gentleman has returned the corrected galley form of his speech. The only thing is for the House to lay down a fixed and definite rule that it shall be the imperative duty of the reporters to bring the revised edition out the next morning.

Hon. Mr. FERGUSON—I absolutely agree with the hon. member that the unrevised edition should not be held back because a member does not attend to the correcting of the galley form promptly.

Hon. Sir MACKENZIE BOWELL—The difficulties which the hon. member seems to think might arise under the galley system might easily be avoided or not by the issue of the galley form in full of the whole debate. At present you get the unrevised report of the debate, not in galley form; but if you receive galley form of the whole debate, all the difficulties will disappear and you will avoid the extra expense which I have pointed out. The reporters complained, and very justly, in the past, of the neglect of members—I do not know whether it applies exclusively to prominent members—who have spoken and received proofs of their speeches, and failed to make corrections within the time provided by the rules. Well, if they do not comply with the rule, let them take the consequences; that is the way to meet that.

Hon. Mr. BERNIER—If you want the unrevised edition the next morning you will have to correct the proof in galley form the same night. It will be impossible for some members to do that. They may be away for some reason or other, and their speeches will appear in the unrevised edition without correction.

Hon. Mr. BEIQUE—Let us understand the working of this; I understand it is the system which obtains in the House of Commons. The system there is this, that those of the members who have taken part in the debate can, as a rule, have their speeches in galley form during the evening, and have an opportunity of making the first correction in time for the next morning; but if they do not make the corrections, the unrevised edition is not delayed. It is always issued in the morning, and it is intended to be the same here. Whether the corrections are made on the galley form in time or not will not affect the issuing of the unrevised edition, and we will get it the next day as we get it now.

Hon. Mr. CLORAN—Does not the hon. chairman of the committee think that this will lead to abuse. You give a space of three or four inches on each side of the printed matter in the galley for a member to insert what he likes. There is lots of space in the margin of the unrevised edition to correct typographical errors or mistakes in dates, but if you allow the speakers the privilege of fabricating new speeches you will lead the House into difficulties. I do not know that such extensive revision should be necessary. I for one am prepared to stand or fall by what I say on the floor of the House and I think every member ought to do the same. I know that members complain of reading speeches in the revised edition that they never heard in this House.

Hon. Mr. FERGUSON—Perhaps they were not present.

Hon. Mr. CLORAN—They were, but in the revised edition the speeches were changed and contained statements which other members had no opportunity to answer. I state this as an argument against the galley form. I am quite content to accept the unrevised edition as it is, and make my corrections on the margin. I may say the reporters of this House deserve all credit for the very capable way in which they report the speeches, and the rapidity with which they get their work done. On that point I take issue with the hon. senator from Halifax. I say there is no blame to be attached to the reporters of this House in regard to the rapidity of the service.

Hon. Mr. POWER—I did not reflect in any way upon the reporters.

Hon. Mr. CLORAN—The hon. gentleman said the greatest fault was on the Printing Bureau, giving the House to understand that there was some fault to be found with the reporters. I know their report is in the hands of the printers soon after the House rises, and they deserve credit for the manner in which they perform the service. As far as the galleys are concerned, if hon. senators want to correct their speeches in such a way that they cannot be recognized by those who heard them, I think the system will be objectionable.

Hon. Mr. COFFEY—I do not anticipate the slightest difficulty in carrying on this work

in a very smooth and satisfactory manner. There are certain conditions to be observed and if the members of the Senate one and all would only observe the conditions required by the reporters and printers, I do not think there would be the slightest dissatisfaction. The whole work is like a piece of machinery; if one of the members retains his proof two or three hours or a day longer than he should retain it, the whole business is disturbed. The printers have to impose these forms. They are obliged to go to press, and if a member fails to send in his corrections in good time he has only himself to blame if they do not appear in the report. First of all, the copy go from the reporters to the Bureau. The linotypes are always at work and there are plenty of operators. The report is put in type and the proofs are pulled in galley form and read by the proofreaders; then the corrections are made and corrected proofs are pulled for the use of the members and sent up to the House. Those proofs should be read and returned at once. Then the forms are imposed and the work goes on smoothly all through. If we give the system a fair trial there will be no difficulty. There will be more satisfaction than at present and we will have no cause to regret the change we are now making.

Hon. Mr. BERNIER—As to making changes in speeches, I quite understand that those who speak English require very little space, but I do not know whether the French members of the Senate will find it so easy. We sometimes find it necessary to make considerable changes so as to give our speeches a grammatical form at least.

Hon. Sir MACKENZIE BOWELL—So do the English senators.

The motion was agreed to.

## CRIMINAL CODE AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (145) An Act to amend the Criminal Code. He said: This Bill amends different sections of the Criminal Code in which it has been discovered there were defects. Sometimes the wrong words are used or the conditions are not applicable. For instance, in the Northwest Territories it is not necessary to start a criminal prosecution before a court by an indictment; counts in indictment are not used. An ordinary information or statement would be sufficient. Then in regard to common bawdy houses it has been decided by one of the judges that if such a house consists of a single room, with a single person occupying it, such a house does not come under the statute. It was rather an extraordinary interpretation for a judge to make. The changes affect the Yukon and Northwest Territories, except one clause which rates the province of Quebec and which gives the definition of a judge. I shall be glad to get further information at the next stage.

The motion was agreed to, and the Bill was read the second time.

## RESIDENTIAL FIRE INSURANCE COMPANY ACT AMENDMENT BILL.

### SECOND AND THIRD READINGS.

Hon. Mr. POWER moved the second reading of Bill (161) An Act to amend the Act of the present session incorporating the Residential Fire Insurance Company. He said: In one sense this is a private Bill and at first sight it might be thought it was open to the objection that there had been no petition, but if hon. gentlemen will be kind enough to read the Bill they will see that that is hardly the case. The Bill which it amends provides that the company shall not commence business until $100,000 of the capital stock has been paid in cash, and it provides further that in each succeeding year, for five years, an additional sum of $1,500 shall be paid in cash upon the capital stock of the company. Of course, $1,500 is absurd. The capital stock is $1,000,000. It is a clerical error, and the only object of this Bill is to remedy that error.

Hon. Mr. LOUGHEED—Has the Bill received the Royal Assent?

Hon. Mr. POWER—It has.

The motion was agreed to, and the Bill was read the third time and passed.

## REPRESENTATION OF SASKATCHEWAN AND ALBERTA ACT.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (51) An Act to readjust the representation of the provinces of Saskatchewan and Alberta in the House of Commons, and to amend the Representation Act.

(In the Committee.)

Hon. Mr. SCOTT.—This Bill divides Saskatchewan into ten electoral districts, and Alberta into seven. It had the unanimous consent of members in the other Chamber, so I presume there will be no objection to it.

On clause 2,

Hon. Mr. FERGUSON—I have not looked at this Bill, but I assume that those interested have examined it carefully and that there is no danger of such trouble as we have had over the subsidies address. I make this remark because if, hereafter, it should be found that some blunder had been made somewhere, I want the responsibility to rest where it should be.

Hon. Mr. SCOTT—All I know about it is, the members from the district had frequent meetings of the committee during the last weeks, and agreed upon this Bill in the shape in which it is now.

Hon. Mr. FERGUSON—Somebody has found that all the necessary provisions have been included in the Bill ?

Hon. Mr. SCOTT—It is merely a division of the districts.

Hon. Mr. BERNIER from the committee reported the Bill without any amendment.

The Bill was then read the third time and passed.

## SALARIES OF FRENCH TRANSLATORS.

### MOTION.

Hon. Mr. WATSON moved the adoption of he third report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate. He said : I propose to make one slight amendment in this. In the 2nd clause, after the word 'month', I wish to insert, 'who has not reached the maximum fixed in said report.' The report as it reads at the present time would provide that all the persons named in the schedule would be increased $50 a year ; but it is not the intention that that should be done. It is intended to increase those named in the schedule who have not reached the maximum.

Hon. Sir MACKENZIE BOWELL—If I understand the report, it recommends an increase to all the staff ?

Hon. Mr. YOUNG—The committee intended to abide by the decision of the House arrived at last year, when a maximum salary was fixed for the permanent employees of the House. The committee, the other day, in consideration of good services rendered, recommended an increase of $50 a year to those who had not reached the maximum. The wording of the report would leave it open to question whether the $50 a year would not apply to all the members of the staff, regardless of whether they had reached the maximum or not. To make that clear, I move the amendment which my hon. friend has suggested, to leave no room for misunderstanding.

Hon. Mr. CLORAN—Do I understand that those who have reached the maximum will receive $50 extra ?

Hon. Mr. YOUNG—No.

Hon. Mr. CLORAN—Then I object. Because a man has reached the maximum of $600 or $700 or $800, after having been in the service of the Senate for 25 or 30 years, is no reason why he should not get this increase. The cry is going up throughout the country that the cost of living is increasing, and the burden falls on the poor man rather than on the rich man. While the rich man can buy sugar at 4½ cents a pound, the poor man has to pay 5 cents; the rich man's coal costs him $6, while the poor man who has to buy his coal by the hundred pounds pays as high as $10.

Hon. Mr. YOUNG—This was considered last year.

Hon. Mr. CLORAN—I object that it has not been reconsidered this year. Men who have been in the service for 30 years should receive some consideration.

Hon. Mr. POWER—There is no such officer in the employ of the Senate.

Hon. Mr. CLORAN—There is one in the cloak room, who has been there since 1875.

Hon. Mr. POWER—He has not been getting the same salary ever since ?

Hon. Mr. CLORAN—He has reached the maximum, and if he lives another thirty years he will be still receiving $800 a year, and I do not think it is very fair to draw the line as rigidly as that, under the circumstances.

The amendment was adopted.

Hon. Sir MACKENZIE BOWELL—I am going to take a course which is somewhat unusual to me. I very seldom object to a report of a committee, particularly a report from the Committee on Contingent Accounts, unless I think there is some difficulty in understanding the wording of the report or some objectionable wording. I pointed out that in the last report there was a difficulty about the wording, and the hon. chairman of the committee accepted my suggestion. In reference to the question of salaries paid to officials of the House and in private life, my idea is that a man should be paid in proportion to the importance of work which he has to perform, and his ability to perform it. Men in the service of the government should receive at least as much remuneration for services rendered as if they were occupied in private life or in private enterprise in similar work. My attention was called to this more particularly in looking at the newspaper report of what is taking place in the House of Commons. I refer now especially to a very important class of our employees. I mean the French translators. In the House of Commons I notice that they have a much larger staff than we have to perform the work in this House, and necessarily so on account of the quantity of work that they have to perform during each session ; but I am not aware that the work performed by the translators in the House of Commons is of any greater importance than that which has to be performed by the translators of this House, and I also learn, whether correctly or not, from some little inquiry that I have made, that the gentlemen who perform that work for the Senate have just as much work to do proportionately, considering the number of the translators, as those who occupy similar positions in the House of Commons. Of course, my remarks are based upon information from those in whom I place the utmost confidence, and who have a knowledge of the work which is to be performed by the translators. I am informed not by members of the House but by those who know the gentlemen who perform this work, that they are a better class than has ever been in the service of the Senate in the past. They are men of literary attainments, they are men of education, who perform their duties satisfactorily to those who are most interested in the work. I notice that in the estimates before the House of Commons they have provided for an increase of the salaries of the translators in the House of Commons, the salaries ranging from fifteen hundred to two thousand dollars per annum. I believe the maximum salary of the translators of this House under the rules which have been cited by the chairman, is only $1,600, so that as long as we adhere to this rule the salaries of these gentlemen cannot exceed the amount which I have mentioned. I ask the Senate why should the translators of this House, men of equal ability in the work which they perform with those who do the same work in the House of Commons be paid $300 or $400 less than is paid in the Commons ? I have called the attention of the House to this fact believing as I do that the payment of the civil service should be commensurate with the importance of the work which they have to perform, and the amount of the work which they have to perform, and the manner and the correctness with which it is done. I am not in the habit of advocating increase of salaries where I think it is unnecessary, but while there is a general increase amongst the class of employees in this House whose positions could be occupied and their duties performed by scores of men that are at hand any moment, I cannot for the life of me see why the more intellectual portion of the staff should not be treated at least in as liberal a manner as those of the House of Commons. Holding these views, I propose to move an amendment to the report, which I hope the chairman will be as ready to accept as he was the suggestion which I made for a change in the report the other day. I therefore move, as an amendment, that the following words be added to the third

report of the Committee on Internal Economy and Contingent Accounts, at the end of paragraph No. 2 : ' with the exception of Messrs. Trudel, Boucher and Chaplin, the three translators, who are hereby entitled to and given the maximum salaries of their class, inasmuch as the scale adopted by this House would have given them that maximum had it been applied from the time of their appointment.' This is simply to provide for giving these translators the maximum of their salary.

Hon. Mr. POWER—Would it not be fair and equitable to apply that same principle to all the other employees of the House, the same as to these gentlemen.

Hon. Mr. LANDRY—No.

Hon. Sir MACKENZIE BOWELL—No, I thought I was sufficiently clear in my remarks in introducing that matter. You may have had a messenger whose duty is simply to stand at the door. He does not require high intellectual development to perform such work. There are hundreds on the street who could do it. I pointed out that I thought a gentleman occuping a prominent position which required not only literary ability, but education, industry, and knowledge of the business which they have to perform, should be paid in proportion to the importance of the work, upon the same principle that a bank manager is paid. The hon. gentleman might as well say that because a bank manager is receiving $25,000 to $50,000 on account of his thorough knowledge of banking and the financial business of the country that, therefore, the clerk who serves under him as a book-keeper should have the same salary. The thing is ridiculously absurd, and I thought I made that point sufficiently clear. There are men in the employment of the Senate who receive a full compensation for the duty which they perform. There are men in the Senate who receive a larger remuneration for the service which they perform than they could earn in any other position in life. It is to the other class that I direct my remarks, and it is not because it is these two or these three gentlemen, but because I beleive the position they occupy is sufficiently important to justify the adoption of the proposition which I am presenting.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SULLIVAN—I did not intend to make any comparison between the gentlemen in the Senate. I simply meant for each class. I understand the difference between the two, certainly.

Hon. Mr. BEIQUE—I desire to give a word of explanation why I second this motion, and I must say I do it with pleasure, because I deem it my duty to interfere with the report which has been submitted to this honourable House. As was very properly stated by the hon. gentleman from Hastings, we should take into consideration the requirements and the fitness to fill a certain position in the civil service. There are a number of positions that are filled and paid pretty high salaries, which can be filled by almost anybody ; but the position of translator is a very difficult position. It requires a man of high education and long training. We have here the names of the persons that are mentioned in the motion, three employees, but two of them have been in the service for fifteen and twenty years. Mr. Trudel has been fully fifteen years in the service, and I am sure he has not hitherto demanded any increase of salary, and, as far as I am aware, he has not in the present instance asked for it. But I feel that it is unfair to accept the work of this man without remunerating him properly. After fifteen years of good service, his salary remains at $1,500, with a maximum of $1,600, and it seems to me to be our duty, after some fifteen years of service, to advance him to the maximum of $1,600 a year.

Hon. Mr. POWER—To give him $50 more than the report.

Hon. Mr. BEIQUE—Yes, another employee, Mr. Boucher, has been over twenty years in the civil service. He has rendered very good service. He is one of the best translators that we can have. He is a man who has studied law. He has been admitted to practice law and has had literary training, is admirably educated as a translator, and does his work very well indeed. I have followed his work, and I can say that he does it as well as any translator can be expected to do it, and he is being paid at the rate of some $1,200 or $1,400 a year, after twenty years' service. It seems to me it is unfair, and I think we should

now raise it to $1,600. As far as the other gentleman, Mr. Chapman, is concerned, it is true he has not been as long in the service, but he is a man of high education. He is a poet who does honour to our nationality and to the country, and he is doing his work very well also. It seems to me, therefore, that it is fair that these three gentlemen be given the amount which is mentioned in the amendment. Now, the point has been covered, or partly covered, by the hon. gentleman from Hastings, that in the Commons they are paid at the rate of two thousand a year, for doing the same class of work.

Hon. Mr. POWER—I do not think that question is settled.

Hon. Mr. BEIQUE—Well, they are being paid from $1,500 to $1,800. They stand on the pay-roll for those amounts at present, and I understand it is in the estimates that they should be paid $2,000, and that those estimates will very likely be passed. But I do not think we should be absolutely guided by that. I think we should be guided by what is fair. We should not be demanding or receiving the services of any employee, especially employees with expert qualifications, without fairly remunerating them. That is the principle upon which I go, and because I felt that it would be an injustice to these three gentlemen if we did not adopt the course suggested by the amendment. I may say that I have figures which show that they are doing fully as much work, if not more work, than is being done by similar employees in the House of Commons, although they have been paid much less for a number of years.

Hon. Mr. BERNIER—I desire to say a few words in support of the amendment which is proposed, and of the remarks made by my hon. friend from De Salaberry. It is true that the French translator mush have high literary attainments in addition to long training. He is really a professional man, and it seems to me such men should be paid at least the same salary as is paid to a first-class clerk, and their salary ranges from $1,500 to $2,000.

Hon. Sir MACKENZIE BOWELL—$2,400 is the maximum.

Hon. Mr. BERNIER—These men of high education, as has been stated, do not receive even the minimum salary of a first-class clerk. It seems quite unfair. With regard to their work, they do more work here than the translators in the House of Commons. I have a comparison of the figures for four years. In 1903 each translator in the Commons translated on the average 743 pages, while those in the Senate made 909 pages. In 1904 the translators in the Commons made 454 pages, while the translators in the Senate in that year made 619. In 1905 they made less. The pages done by the translators in the Commons in that year averaged 491, and in the Senate 468—not much difference. In 1906 the translators in the Commons averaged 383 pages, while in the same year the translators in the Senate averaged 657 pages, and in summing up the whole four years, we find that the translators in the Commons have averaged 2,073 pages, whilst in the Senate the translators have each averaged 2,650, and still the translators in the Commons are going to receive $2,000 each. It is in the estimates.

Hon. Mr. POWER—It is not settled yet.

Hon. Mr. BERNIER—When it is placed in the estimates by the government, it is likely to be carried. It seems to me that, under the circumstances, the case of these gentlemen should be taken into favourable consideration by the Senate, and I am very glad to support the amendment which has been proposed.

Hon. Mr. CLORAN—I should like to ask the hon. mover of the amendment, at what figure does he intend to place the salary?

Hon. Sir MACKENZIE BOWELL—$1,600.

Hon. Mr. CLORAN—What is the purport of the amendment?

Hon. Sir MACKENZIE BOWELL—To increase the present salary of these gentlemen to the maximum, as provided by the rule.

Hon. Mr. CLORAN—That is $1,600. I am sorry the hon. gentleman has limited it to those figures, in view of the facts cited by the hon. gentleman from St. Boniface.

Hon. Sir MACKENZIE BOWELL—The rules of the Senate have fixed a maximum, and if I had gone beyond that, I would have

had to ask the repeal of the Act. If these gentlemen receive an increase up to the maximum at present, leaving the future to look after itself, they will be very well satisfied.

Hon. Mr. CLORAN—I am prepared to accept the explanation, and it is the only thing which justifies it in the face of the facts just given to this House by the hon. gentleman from St. Boniface, that the translators of the Senate have been doing for some years over fifty per cent more than the translators of the Commons. In 1904, they translated in the Commons an average of 391 pages, and in the Senate 652, one hundred per cent more, and the officials in the Commons are receiving $1,500, and are going to receive $2,000 in the future. Therefore, I am thoroughly in sympathy with the demand put forth by the hon. gentleman from Hastings, and seconded by the hon. gentleman from De Salaberry in regard to this matter. As far as the merits of the work of these men are concerned, I have some knowledge. I do not know them personally, probably never met them, but I know their work, and I know their French translation is as good as that which any professor of a university could make. It is not only necessary that they should have a training and knowledge of their own language, but in order to get the correct sense of a translation into their own language, they have to know the genius of the English language and must have a perfect knowledge of the two languages to be able to produce an accurate translation. As the hon. gentleman from De Salaberry has said, we have officers doing this translation who are men of the highest grade, intellectually. They have national reputations as literateurs, as men who are doing a credit to Canada in the arts, and in poetry, and I am surprised that their remuneration has been so low. I for one would have moved before this, had I known that the translators of the Senate were receiving less remuneration than the translators of the House of Commons. They are entitled to the same treatment, no matter what our rules may be, and if our rules are against honesty and justice, the sooner they are changed the better. I hope the hon. senator from Hastings will take an opportunity, if some members of the committee do not do so, to have these rules changed, in order to provide that the translators of the Senate shall be placed on the same level as the translators of the Commons, especially in view of the fact that they have more work to do, and do it equally well.

Hon. Mr. POWER—I do not think this matter has been looked at altogether as it should be, from a business point of view. I may say, in the first place, that the contingencies of the Senate, as I understand, have been already exceeded, and the question is where the money is to come from.

Hon. Mr. CLORAN—Out of the $120,000,000.

Hon. Mr. LANDRY—Perhaps the hon. gentleman will furnish it from his own pocket.

Hon. Mr. POWER—In the next place, what they may be proposing to do in the House of Commons is not a matter which would necessarily guide us. I fancy that, on the whole, the members of the Senate are as well qualified to judge as to what they should pay their employees as the members of the House of Commons.

I think that, perhaps, we are a little less influenced by political considerations in this House than they are in the House of Commons. It is very easy for a number of gentlemen who have behind them a majority of members of the House of Commons to bring pressure to bear on the powers that be that cannot be resisted. The facts about the House of Commons as they have been brought in here, are something of this kind; up to about three or four years ago, the pay of the Hansard French translators in the House of Commons was $1,000 a year. It was then increased to $1,500, and during the present session there was a well organized strike, so to say, got up for the purpose of lifting them up to $2,000.

Hon. Mr. CLORAN—They did right.

Hon. Mr. POWER—That question has not been settled. I understand there is a good deal of difference between the French reporters and the French Hansard translators which has not been settled. I understand the Hansard reporters think the translators ought not to be placed on the same footing as themselves.

Hon. Mr. LANDRY—Are the estimates down?

Hon. Mr. POWER—I believe so. Let us take the position as it is now in our own House which, I think, is the right thing to do. Honourable gentlemen know that for some time members of the House had been annoyed continually by employees trying to secure increases of salary. It is a very unpleasant thing to be obliged to refuse applications of that kind, particularly when, as it is very often the case, the applicants are persons who really need the additional emoluments. But we are not here to exercise charity at the expense of the country. We are here to do the country's business in a reasonably businesslike way. The committee on Internal Economy appointed a sub-committee to prepare a scale of salaries so as to prevent this eternal worrying of Senators for increases of pay. The sub-committee devoted a good deal of time and attention to the subject, and prepared a scale which was submitted to the general committee. It was approved by the general committee and reported to this House. The scheme was not rushed through; it was considered at all its stages, and adopted by the House last year.

Hon. Mr. BOLDUC—Was the report as presented to the House adopted?

Hon. Mr. POWER—I think there were two changes made in it. The House, in its wisdom, thought to give some $200 additional to one officer, and, I think, $100 to another. I thought we should have stood by the committee's report, not that the officers did not deserve the remuneration recommended; but the committee had made its report, and unless there was something wrong about it we should have endorsed that report. What is the history of these gentlemen? I do not say anything about Mr. Trudel who has been in the service of the Senate for some time and has got near the maximum. The effect of the amendment of the Honourable Senator from Hastings would be simply to give Mr. Trudel $50 more than he would get under the report of the committee. Mr. Bouchard came into the employ of the Senate in March, 1899, at a salary of $1,000, and I may be allowed to remark here that the statement made by some honourable gentlemen that he had been in the public service before coming to the Senate may be in one sense correct, but it is not absolutely correct. When Mr. Bouchard came to us, he had ceased to be in the service, and the same remark applies to Mr. Chapman. Mr. Bouchard came into the service of the Senate in 1899 at a salary of $1,000. In 1900 that was increased to $1,200, and in 1904 to $1.300. Last year it was increased to $1,400. It is not a very munificent salary, I admit, but Mr. Bouchard was willing to come in 1899 at a salary of $1,000, and I do not see why he should be so exceedingly discontented now, at a salary of $1,450.

Hon. Mr. SULLIVAN—Is the gentleman married ?

Hon. Mr. POWER—Yes. Perhaps there is this to be said on behalf of Mr. Bouchard, that if some gentleman would move that he be paid something handsome for his efforts as an immigration agent, I shall be prepared to support it. His family is supposed to approach the maximum of the province of Quebec.

Hon. Mr. LANDRY—Oh twelve is a minimum.

Hon. Mr. POWER—Then with regard to Mr. Chapman ; I understand he has no family. He was appointed in the month of April 1902 at a salary of $1,000. That salary was increased to $1,100 in 1904. Last year the committee made it $1,200 and he will get $50 of an increase this year ; so from 1902 to 1907 there is an increase of $250. If these gentlemen were satisfied to come in and serve at the small figure, surely they must be able to get along at the increased figures. We made a scale of salaries to be paid and the very first year after making it we tear it up, because if we destroy the scale with respect to these three gentlemen, naturally every employee of the Senate will feel that he is at liberty to worry senators to get an increase which is not in accordance with the scale. It is hard to discuss a question in which the interests of our French officers are concerned, because hon. gentlemen who belong to the French race seem to think that anything that is said which is not in favour of

whatever is proposed to be done for these officers is the result of animosity against the race. I wish to say that there have been occasions in the past history of the Senate when there was a chance to show good will towards our employees of the French race, and, on some occasions at any rate, I did not fail to show it, but I do feel that, where a committee, and then the House afterwards, have solemnly agreed upon a scale of payments, to go—influenced no doubt by motives which are creditable, but which are not altogether appropriate in dealing with public money—and upset that scale the following session, is something which I cannot approve of.

Hon. Mr. CASGRAIN—I shall be very glad to vote for the amendment of the hon. senator from Hastings. He has very properly said that translating is special work. I may have a sympathetic feeling in that way, because I was at one time, many years ago, a French translator in the House of Commons.

Hon. Mr. POWER—What did they pay you ?

Hon. Mr. CASGRAIN—We got a small remuneration in those days, and I was very young then.

Hon. Mr. FERGUSON—How long ago was that ?

Hon. Mr. CASGRAIN—About thirty years ago. The translator requires special training. The three gentlemen whose names have been mentioned here, are men who have devoted many years to that special kind of work, and, in order to be able to do it properly some of them have made special studies. Mr. Bouchard, for instance. The hon. member for Halifax says that Mr. Bouchard only commenced in the service in 1899, but he had been in the House of Commons as translator a long time. I remember thirty years ago, when I was a translator there, he was a translator also. He may have left the service at one time, but he came back again, and I think he has been in the service consequently thirty years. When he commenced here, the indemnity of a member of parliament was $1,000 ; but since then everything has gone up—it is a growing time.

Hon. Mr. POWER.

Hon. Mr. LANDRY—Even the hon. member from Halifax had only a $1,000 at that time.

Hon. Mr. CASGRAIN—At that time the session lasted three months or three and one-half months at the outside. Now the sessions run from five months upwards, and the volumes of the Debates are very much larger. Compare the reports of recent sessions with those of some years ago, and you will see how largely the work has increased. At that time there was an interval between sessions of seven or eight months, and during that time the officials could find something else to do. At present they hardly get through with the work of one session until they begin another so that, practically they devote all their time to the work here. One of the translators told me that although he only got $1,000 a year some sessions ago he made nearly twice that amount doing newspaper work during the recess ; but since the sessions have grown longer he cannot get any kind of employment. It would be but fair, knowing all the circumstances, and the very hard work these people do, that they should be better remunerated. I do not take it for granted that because they do not perform as much work as the translators of the House of Commons that they should not have the same remuneration. Their work is worth the money. One of these men is a lawyer. Mr. Bouchard is nearly sixty years of age, and he has been for some thirty-five years at this work. He should be at the maximum if he is ever to reach it. Mr. Chapman is universally known, not only in the province of Quebec, but even in France, where his works have been crowned with success. He is a man of whom we are proud. He has not been able to devote much effort to literary work of late, because his time is so much taken up with his official work in the Senate. It is an advantage to us to have these documents in good French just the same as hon. gentlemen who speak English wish to see the reports of their speeches in good English. There are very few people who can write French correctly. These translators must be experts in the language, because it is very difficult to convert English phrases into good French phrases. The genius of the two languages is so different, that it is exceedingly difficult to correctly express an idea when translated from one

language to the other. It would be much easier for a man to conceive an idea himself than to translate it. Besides that the translator must have a good knowledge of the subject he is translating. Translating is one of the most scientific forms of work done in the civil service, and the one requiring most general knowledge ; therefore I heartily support the amendment of the hon. senator from Hastings.

Hon. Mr. WATSON—As the hon. Senator from Halifax has said, the committee last year went carefully into a consideration of all the salaries. I think it was the wish of every member of the Senate that some system should be adopted whereby we would have a regular system of increases. The committee, therefore, recommended that whenever practicable a maximum and minimum salary should be fixed for each office, and that there should be an increase of $50 a year until the maximum is reached. That was reported by the subcommittee to the Internal Economy Committee, and the Internal Economy Committee reported to the House. They made further provision for efficiency, such increase not to be regarded as a matter of right, but to be granted only on the recommendation of the Clerk of the Senate, who should certify that the employee had discharged his duty faithfully, and the recommendation of the Clerk must be concurred in by the Internal Economy Committee. Maximum and minimum salaries were provided for. The maximum salaries of the French translators were fixed at $1,200 and $1,600, respectively, and that was adopted by the House. It may be that these gentlemen are well qualified and entitled to better pay, but, at the same time, if we are to adopt any principle that increase should be given according to the term of service and fitness, then I do not think it is fair that we should in one instance make an increase of only $50 to one gentleman, Mr. Trudel, who is entitled this year to $1,550, while we give Mr. Bouchard an increase of $150, and if the hon. gentleman's motion prevails, will give Mr. Chapman an increase of $350. If the hon. gentleman would accept an increase of $100 a year for these gentlemen, I, as chairman of the committee, am willing to accept the change. I would be inclined to let these translators have an increase of $100 instead of $50 until they reach the maximum. That would give Mr. Trudel his maximum this year, and the other translators an increase of $100 each instead of $50. When the subcommittee reported to the Internal Economy Committee, they did so after making careful inquiry of what was paid in the House of Commons. I understand that last year the maximum salary paid a translator in the House of Commons was $1,500.

Hon. Mr. LANDRY—$1,800.

Hon. Mr. WATSON—Apparently they were getting $1,500, because I see they are increased in the estimates from $1,500 to $2,000.

Hon. Mr. POWER—I think the translators who were getting $1,500 were the Hansard translators.

Hon. Mr. WATSON—The estimates show an increase of salaries for nine translators of Debates from $1,500 to $2,000 each, and, therefore, the maximum must have been $1,500. The committee last year, after careful consideration, recommended that the maximum for the translators of Debates should be $1,600, and I submit that we ought to have some regard for the length of service of these officials in fixing their pay. So far as the committee are concerned, there was very little doubt as to what we were doing when we adopted this report a year ago, and as chairman of the committee, I would not be doing my duty unless I stood by the report adopted by the House.

Hon. Mr. CLORAN—The statement has been made that there is another difference to be noted between the translators of the Commons Hansard and the translators of the Senate Debates, that the translators in the Commons complete their work a few days after prorogation, after which they are free until the following session, while the translators of the Senate Debates are kept at work during the twelve months. Is that a fact? If it is a fact it is an outrage.

Hon. Mr. WATSON—I have not been furnished with that brief, so I do not know.

Hon. Mr. CLORAN—The chairman of the committee ought to know. I am assured

by an hon. member that the translators are occupied here during the whole year, and yet the translators in the House of Commons are paid higher salaries. No wonder our friend, Mr. Chapman, finds no time to devote to literary work. Under the circumstances, I am only sorry that the rules and regulations interfere with giving the translators fair remuneration for their services.

Hon. Sir MACKENZIE BOWELL—I am very glad to see my hon. friend, the chairman of the committee, recognizes the fact that these gentlemen are not paid enough, because he is willing to give an increase of $100 instead of $50. I should like to know if the hon. senator from Halifax can reconcile the speech he has made to-day, in which he so earnestly urges the Senate to adhere rigidly and strictly to the rules, with the proposal he made a few years ago to increase the salaries of some clerks, who have not very important business to transact, who have simply to look after books and not even to keep accounts. At that time he wanted to make a jump up to the maximum and pay the chief clerk $2,400 a year.

Hon. Mr. POWER—The hon. gentleman must be making a mistake. I do not think I ever advocated such a thing as that.

Hon. Sir MACKENZIE BOWELL—I would much rather call the hon. gentleman's attention to it quietly; I do not want to mention names.

Hon. Mr. POWER—I know another gentleman who did that, but I opposed it.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman says he opposed it, I stand corrected. It does not alter the fact that I mentioned in the first place, and which has been admirably illustrated by the hon. senator from de Lanaudière, that we ought to pay in proportion to the importance of the service rendered. The hon. member from Halifax asked how much the hon. gentleman from de Lanaudière received when he was a translator in the lower house. I am not so sure if that is to be a basis on which we are to act. When I came into parliament, we got $600 per session. After a number of years that was increased to $1,000 per session, and since the present government have come into power, they have increased it to $1,500 and to $2,500, an increase in the sessional indemnity since confederation of no less than 316⅔ per cent. I am not aware that the hon. gentlemen who are opposing this amendment objected to the increase of their indemnity from $1,000 to $2,500. I mention this to show that we ourselves have recognized the justice of increasing our remuneration. The sessions have grown longer. I should not have made this motion did I not conscientiously believe that men who occupy important positions should receive better remuneration than they get to-day, and should get the same pay as those who are doing a similar class of work in the House of Commons.

Hon. Mr. ELLIS—One listening to a discussion like this is apt to get his ideas out of joint. As I understand the hon. gentleman's motion, he proposes to make an increase in certain salaries considerably out of proportion to the allowances given to others. Where will we be next year as the effect of that resolution? Would it not be better to accept the suggestion of the chairman of the committee, and readjust the scale in such a way that there would be proportionate advances to all? When my hon. friend from Victoria (Mr. Cloran) tells us that the French translators of the Senate are here all year translating, what are they doing? Do they simply sit down and translate to each other?

Hon. Mr. BEIQUE—Ever since I have been in the Senate it has always taken them the full twelve months to make the translation.

Hon. Mr. ELLIS—That may be correct. I suppose we cannot have the same number of translators in proportion to the work, but even that is a puzzle to one who hears it for the first time. I would suggest to my hon. friend to readjust his motion on the lines proposed by the chairman of the committee.

Hon. Mr. SULLIVAN—I had no idea of saying anything on this subject, but I wish to remark that the parsimonious spirit which pervades this chamber to a great extent—at least one portion of it—astonishes me. Where is comes from I do not know, but any man who would prevent an employee getting what he actually deserves

for his work, I do not care where he belongs to, should withdraw from such a position. Salaries should be paid according to the merits of the men, and the work they do. A translator must live the life of a gentleman, as we understand the term here. His clothing, his board, the society he moves in, and everything else must be in keeping with the position he occupies. To be a good French translator, I conceive, requires an amount of education which very few men possess, an amount which I think a large portion of the Senate, myself included, might be found wanting. The very fact that an old member of this House who never tries to go beyond what he thinks is strictly just, submits a motion of this kind ought to commend the proposition. A few dollars added to the salaries of these men will never hurt this country. What an idea it is that a country of this size, boasting of its greatness, its fertility and its resources, should descend to the petty business of trying to keep a hundred or a couple of hundred dollars from the salary of competent men. I do not want any official to be paid more than the men in his class, or to do injustice to any one, but this Internal Economy Committee ought to be called the Infernal Economy Committee because they have some idea in their heads of running this Senate and everything connected with it on the smallest and meanest basis. I hope there is enough courage, honesty and honour left in this Senate to stand by the amendment to pay our translators what they fairly and honestly earn.

Hon. Mr. McMULLEN—I do not belong to the committee. I did serve on that committee a year or two ago, but was changed to the Banking and Commerce Committee. When a committee has duly and carefully considered a matter connected with the salaries paid officers of this committee we should treat the report with respect. I am disposed, unless there are very serious objections, to stand by the committee. I should like my esteemed friend from Belleville—and I respect him just as much as does his friend from Kingston—to accept the compromise offered by the chairman of the committee. If he will do that, we will settle this question without further trouble. That compromise is, to give an increase of $100 instead of $50 until the salaries reach the maximum of their grade. That I think would be a reasonable settlement of the whole trouble, otherwise, as far as I am concerned, I should undoubtedly stand by the report of the committee. I find since I have come to this House that there are some civil servants who have been in the habit of pleading, pressing and coaxing members of that committee to consent to increases. Then, if they fail before the committee, they commence asking favours from members of the House, to see if they cannot accomplish their ends by moving amendments of this kind. I think that is a bad principle. It is encouraging the servants of this Chamber to make appeals on their own behalf, first to the committee, and if they cannot accomplish anything there they make an appeal to the House. I know that the matter has come up several times in this shape. We should not encourage such a practice, and, consequently, I am inclined to stand by the report of the committee, unless my hon. friend is prepared to accept the proposition that has been made.

Hon. Mr. ELLIS—I should like to offer an amendment.

Hon. Mr. LANDRY—The hon. gentleman has spoken.

Hon. Mr. THOMPSON—I think that last year when the report of the Internal Economy Committee was made to the House and adopted, that there was just as much urgent reason why this question should have been adjusted at that time, and the services of these gentlemen brought to the attention of the House, and action taken. I do not think the matter has changed in respect of that, and I cannot help feeling that the disposition of the House dealing with these questions and practically settling them, by some action, and disturbing them almost every following session, shows a lack of continuity of action which is not compatible with business methods. I think the proposition of the chairman, making the increase of a hundred dollars instead of fifty, which was the custom by which the salaries of officials should be increased is one which the House should accept, and therefore I move:

"That the words "maximum amount" in said amendment be struck out, and replaced

by the words "By one hundred dollars each year until they have reached their maximum amount."

The House divided on the amendment, which was lost on the following division:—

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| Cloran, | Roy, |
| Coffey, | Sullivan, |
| Comeau, | Tessier, and |
| David, | Thibaudeau |
| Dessaulles, | (Rigaud)—26. |

The SPEAKER—The question is now on the amendment proposed by the Hon. Sir Mackenzie Bowell.

The amendment was carried on the same division reversed.

The report as amended was concurred in.

## WINDING UP ACT AMENDMENT BILL.

Reported from committee.

The House resolved itself into Committee of the Whole on Bill (147), an Act to amend the Winding up Act.

On clause 1,

Hon. Mr. SCOTT—The necessity for this Bill arises from the fact of the insolvency of the York County Loan Co., of Toronto. There are probably three or four thousand persons who have claims, and it is quite impossible in winding up the estate, that each individual claimant should have a solicitor, and this authorizes the court to appoint a solicitor for the different classes of creditors. Each class will have a representative. There is a clause that the Trust Company need not give security, because the Trust Company is a body that is absolutely good surety.

The clause was adopted.

Hon. Mr. BOSTOCK, from the committee reported the Bill with amendments, which were concurred in.

## POST OFFICE ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (113) 'An Act to amend the Post Office Act.'

He said : This is a very short Bill, making certain changes in the Post Office Act. The first change is substituting the Post Office Inspector for the Comptroller in one particular place. As the law now stands, before a man could become a superintendent, he would have to be ten years in the mail clerk service, and this amendment reduces the term to five years. The next change is correcting a typographical error, substituting the word 'prevent' for 'permit.' Then there is a provision adding Calgary and Edmonton to the Dead Letter Offices in the west. Clause 5 is authorizing the Postmaster General to require any of the transportation companies to carry any official of the Post Office Department, limiting it to those named under the statute, with the mail matter.

The motion was agreed to and the Bill was read the second time.

### BILL INTRODUCED.

Bill (136) 'An Act to amend the provisions of the Criminal Code in respect of the preservation of the peace in the vicinity of Public Works.'—(Hon. Mr. Scott.)

The Senate adjourned until three o'clock to-morrow.

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# SENATE.

OTTAWA, Wednesday, April 24, 1907.

## MORNING SITTING.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

## POSTAGE ON NEWSPAPERS.

### MOTION.

Hon. Mr. ELLIS moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all letters between the Chamber of Commerce, Montreal, or any other par-

ties, and the Honourable the Postmaster General, or the Post Office Department, in regard to the increase of postal charges upon newspapers posted for transmission to the United States or any other countries.

He said: I would like to call attention of hon. gentlemen to a statement made in the House of Commons by the Postmaster General, in which he announced a change of policy or of practice in the postage on newspapers which will have the effect of very largely increasing the cost of, and will work harm to, a number of the small newspapers printed in this country. There is quite a number of newspapers, principally weekly papers, but the same thing applies to daily papers, which go from places in Canada to Canadians who have taken up their residence in the United States. These newspapers enable them to keep up their communication to a large extent with their early homes. We have all observed the Home Week celebrations which take place in the summer time and the effect which newspapers have in keeping up an interest in the old home, and bringing Canadians back, even though only as visitors. Generally, those papers are published at a very low rate which are circulated in the United States. While I offer no objection to the general policy of the Postmaster General, I should like to point out that, as I read his statement, newspapers which are printed now at $1 a year, and some that are issued twice a week, and which are sold at the same price, will have to pay a postage under this new regulation of one cent each. In some cases the postage will be more than the subscription price. I understand that the French Chamber of Commerce in Montreal have taken the matter up and have expressed the opinion that in view of the fact that this change is taking place immediately, the newspapers should be permitted to complete their contracts with those who have subscribed by the year, and that, in such cases, the government should carry the present postage until the existing contracts expire. But the postage is too much. For a weekly paper the subscription price of which is $1, the postage will be 52 cents a year, and for a newspaper published twice a week, the postage will be $1.04 a year, while the postage on a daily paper will amount to $3 a year, a very onerous charge and really not an advantage to Canada itself, because, as I said before, interest in the old home is kept up by reason of newspapers being largely circulated under a cheap postage rate. I should like to know what view the French Chamber of Commerce take of the matter, and if there are any papers on the subject I should like to have them laid before the House.

Hon. Sir MACKENZIE BOWELL—Does the increased postage to which the hon. gentleman has referred apply to the circulation of these papers in Canada, or only as newspapers sent out of the country?

Hon. Mr. ELLIS—Only to newspapers exchanged between the United States and Canada.

Hon. Mr. SCOTT—If there is any correspondence I shall be glad to have it brought down as early as possible.

The motion was agreed to.

## LIENS IN FAVOUR OF MINERS.

### MOTION.

Hon. Mr. SCOTT moved

Resolved, that the ordinance of the 26th May last, intituled: 'An ordinance respecting liens in favour of miners' and the ordinance of the 7th July last, intituled: 'An ordinance respecting the disposal of water from streams and lakes in the Yukon Territory for the purpose of generating power, and for the control and management of the sale, transmission and use of such power,' passed by the Governor in Council, under the authority of provisions which now comprise section 16 of chapter 63, R.S.C., 1906, and which previous to the coming into force of that Act comprised in subsection 1 of section 8 of chapter 6 of the statutes of 1898, as that subsection was enacted by secton 3 of chapter 34 of 2 Edward VII., copies of which ordinances, as well as of the necessary order in council in each instance have been laid before this House, are approved by this House, in accordance with the provisions of section 17 of the said chapter 63.

He said: This resolution comes before the House in pursuance of the statute of 1898. In the revised statutes, section 17 governs it. It provides that every ordinance made under the authority of a preceding session shall remain in force until the day immediately succeeding the prorogation of the next session of parliament, and no longer, unless at such session of parliament such ordinance is approved by resolution of both Houses. It would appear that the control that parliament has over it is either

to reject or approve of it. Similar resolutions have been brought down from time to time and have been regarded perhaps more as a matter of form, unless there was some opposition to them. I am not aware that there is any opposition to the two ordinances referred to here. One relates entirely to giving the miner a lien on his work, which seems to be a very fair and just thing. It provides that any person who performs any work or service upon or in respect of, or furnishes wood to be used in quartz mining, shall by virtue thereof have a lien for such service or work on the claim and appurtenances thereto. It gives very full power, and points out that the miner must register his claim so as to have a lien on the property. The other ordinance refers to the distribution of water-powers. It provides that the Minister of the Interior may, upon application being made, grant to any person or company for any term not exceeding 20 years, the right to use water from any stream or lake at any particular part thereof, for the purpose of generating power, and the right to transmit the same. I may say the power is restricted to the quantity defined, and is subject to the rights of all other parties, such miners as shall at the time of such grant be working on the stream above or below the ditch head, or the rights of any person then or thereafter lawfully using such water for any purpose whatever. They both appear to be in the interest of the working-men, and, as I have never heard of any objection to them the last year, I think there can be no objection to adopting the resolutions. One was passed in 1905 and the other in 1906, and both have been approved by the Governor in Council.

Hon. Mr. MACDONALD (B.C.)—I am very glad to hear of the provision for the preservation of the water rights to old miners. We know that a few years ago the water rights of the Yukon were conceded to the Treadgold Commission, but that concession has been cancelled, and the rights of miners who are now using the water are preserved by this regulation. Anything like a monopoly in the Yukon, should be avoided ; the miners who are there individually should have all their rights preserved, and I hope those regulations now and hereafter will accomplish that, and that these privileges will not be handed over to monopolists.

Hon. Mr. LOUGHEED—My hon. friend from Victoria possibly may labour under a misconception as to any difference really existing by reason of these ordinances from the condition of affairs before their passage. Unfortunately, this government or the Dominion government has always assumed to itself the right to deal with concessions of that nature. and, under those ordinances, they will continue to do so. It seems to me there is no good reason why the Yukon Council could not deal very much more advantageously with the regulation of matters of this kind than this government. The passage of those ordinances must necessarily be the result of the autocratic advice, so to speak, of the Yukon Commissioner. There is a representative assembly in the Yukon Territory, at least partly nominative, and partly representative, and there is no good reason in my judgment why a council or an assembly of that kind, elected by the people in addition to the nominated representatives, should not be able to pronounce, and should not have the authority to pronounce upon local matters of this character. We find the Governor in Council passing a lien's ordinance, for instance, dealing particularly with local matters, with which Ottawa cannot possibly have any familiarity or knowledge. The authorities here must absolutely rely on the Yukon Commissioner. He represents the federal government. He does not represent the people of the Yukon. They have nothing to say. They have no opinion to express. They have no right to express any opinion as to the advice which he gives to this government relative to the passing of ordinances which must necessarily govern the people quite as strongly, if not more so, than the ordinances which they pass in their own assembly. The question of liens is dealt with by every assembly in the Dominion of Canada. Yet we find the Dominion government assuming power to express itself in these ordinances, as what the procedure and what the provisions shall be upon a local matter. We find that, under these ordinances, the power is still vested in the Dominion government of dealing with water-powers

and other territorial rights so far as regulating them is concerned. It seems to me the regulation of those rights can be very much better administered by the Yukon Council, men who, as I said before, are the representatives of the people, than by the Governor in Council acting under the advice of one man, the Yukon Commissioner.

Hon. Mr. SCOTT—There is some misapprehension about it. Those regulations are drawn up by the Yukon Council. The order in council recites :

The minister further submits that the committee to the Yukon Council has prepared a lien as contemplated by the Yukon Council, and the Commissioner of the Yukon Territory in council prays that the Dominion government will enact the same.

It was drawn up by them, and all the government here do is to pass an order in council approving of it, and then lay it on the table.

Hon. Mr. LOUGHEED—I find this is being done in pursuance of section 17 of the Yukon Territory Act, and that also section 16, gives to the Governor in Council absolute authority to pass ordinances and regulations of this nature. True, the Yukon Council may possibly express their wish along particular lines, or in a certain direction, and doubtless the Governor in Council may act ; but so far as we are aware, and until my hon. friend has just mentioned the fact, and has all, so far as we know, been done simply upon the authority of the Governor in Council, regardless of the commissioner.

Hon. Mr. SCOTT—I do not understand it that way. The order in council puts it on a proper basis. It reads :

On a report, dated 9th May, 1906——

That is a preliminary proceeding of the Yukon Council. It proceeds :

The minister submits that a committee of the Yukon Territory Council has prepared a lien as contemplated by the Yukon Council, and that the Commissioner of the Yukon Territory in Council prays that the Dominion government shall enact the same.

We simply enact what is recommended by them.

Hon. Mr. MACDONALD (B.C.)—I think that the regulation with respect to supplying water to the miners is a very salutary one.

Hon. Mr. POWER—There is just one suggestion which naturally arises from reading this document, and also from the observations of the hon. leader of the opposition. I think it is not a desirable thing that we should be trying at such very long range to deal with the legal business of a district like the Yukon, if it can be avoided. Inasmuch as in all the old provinces, which formed the original federation, and also in British Columbia, the mines are within the control and jurisdiction of the local legislature, it strikes me that there is no good reason, now that the means of access and exit from the Yukon are comparatively satisfactory, why the mines of that region should not be controlled a little nearer their site than in Ottawa, and the best thing to do in the interests of the country at large, and particularly in the interests of the Dominion government, is to annex the Yukon to British Columbia and let British Columbia manage the Yukon mines, and then I do not see any special reason why the mines, whatever mines there may be, in Manitoba and Saskatchewan and Alberta should not be controlled by the provincial legislature there, as they are controlled in the older provinces.

## DELAYED RETURNS.

Hon. Mr. LANDRY—I should like to ask my hon friend, the hon. Secretary of State, if he will be good enough to call the attention of the proper parties to an order of this House voted on the 6th February, 1907, for the production of a statement indicating in so many columns the names, ages and nationalities of all persons who have been appointed to any position in the customs house at Quebec since 1st July, 1906 ; also another order adopted 19th February for a return in regard to the employment of foreigners in the militia service of Canada. I have already called the attention of the hon. minister to the address which has been passed by this House, and he promised me that he would inquire. Perhaps the multiplicity of his ministerial functions prevented him from doing so ; but I should like to have those returns before the end of the session.

THIRD READINGS.

Bill (148) An Act to amend Schedule A to the Revised Statutes, 1906.—(Hon. Mr. Scott.)

Bill (147) An Act to amend the Winding-up Act, as amended.—(Hon. Mr. Scott.)

CRIMINAL CODE AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (145) An Act to amend the Criminal Code.

(In the Committee.)

On clause 2,

Hon. Mr. LOUGHEED—I do not see where section 2 comes in. Paragraph 16 says that indictment and count respectively include information and presentment, as well as indictment, &c. It refers to any formal charge under section 873a, and any record.

Hon. Mr. POWER—If the hon. gentleman will look on the next page, he will see that in section 873 of the Criminal Code, the following is to be inserted as 873a :

In the provinces of Saskatchewan and Alberta, it shall not be necessary to prefer any bill of indictment before a grand jury, but it shall be sufficient that the trial of any person charged with a criminal offence be commenced by a formal charge in writing setting forth as in an indictment the offence with which he is charged.

Hon. Mr. LOUGHEED—I am aware of that

Hon. Mr. POWER—16 is altered so as to include that formal charge.

Hon. Mr. LOUGHEED—This anticipates our passing 873a, because we have no 873a yet.

Hon. Mr. POWER—No.

Hon. Mr. SCOTT—Section 225 of the Code is struck out, and the following is substituted therefor :

225. A common bawdy house is a house, room, set of rooms or place of any kind kept for purposes of prostitution or occupied or resorted to by one or more persons for such purposes.

That was in consequence of a decision given in Manitoba, that a common bawdy house with one woman in it was not a bawdy house—a very stupid decision.

The section was adopted.

Hon. Mr. LANDRY.

Hon. Mr. SCOTT—Then section 873a has been added, to follow section 873. It reads as follows :

873a. In the provinces of Saskatchewan and Alberta, it shall not be necessary to prefer any bill or indictment before a grand jury, but it shall be sufficient that the trial of any person charged with a criminal offence be commenced by a formal charge in writing setting forth as in an indictment the offence with which he is charged.

2. Such charge may be preferred by the Attorney General or an agent of the Attorney General, or by any person with the written consent of the judge of the court or of the Attorney General, or by order of the court.

Hon. Mr. FERGUSON—This means that in these provinces a person can be placed on trial for a criminal offence without an indictment by a grand jury ?

Hon. Mr. SCOTT—Yes, in these two provinces the method is by information.

Hon. Mr. FERGUSON—Is that the practice in these provinces at present ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—We are now legislating upon it, and are we simply making their practice legal, covering it by an Act of this parliament ? If so would it not be right, in dealing with it, that some safeguards with regard to criminal prosecution should prevail in these two provinces as well as the other provinces ?

Hon. Mr. SCOTT—So they do.

Hon. Mr. FERGUSON—In the other provinces, you cannot put a man on trial in the higher courts without a presentment by the grand jury.

Hon. Mr. POWER—They have no grand jury out there.

Hon. Mr. SCOTT—Many provinces would like to get rid of the grand jury system.

Hon. Mr. FERGUSON—I have not had time to look into it, and not being a lawyer I do not know; but is the provision which constitutes a grand jury a provincial enactment solely ?

Hon. Mr. SCOTT—Oh, no, it is under the Criminal Code.

Hon. Mr. FERGUSON—It is done by requiring a grand jury to inquire, in a preliminary way, into a man's liability to be tried before he is formally placed on trial.

If that is so, why is there an exception with reference to these provinces ?

Hon. Mr. SCOTT—I cannot answer my hon. friend other than I think the provinces are in advance of the rest of the country, because it is regarded in very many instances as a farce. It is not considered the most common sense way of proceeding.

Hon Mr. McMILLAN—Why not amend the general law ?

Hon. Mr. POWER—The grand jury is, to a certain extent, under the jurisdiction of the provincial legislature. As far as the criminal law is concerned, it is under the jurisdiction of this parliament, and in the province of Ontario, I know that there was a very strong feeling some time ago in favour of abolishing the grand jury, and there was a strong feeling in this House also. The difficulty was to get the two parties to agree upon the course to be adopted, but I think it would be very much to be regretted that in these new provisions they should introduce a system which is likely to handicap them, and this enactment is to adapt the procedure to the condition of things in Alberta and Saskatchewan.

Hon. Mr. CLORAN—I am surprised to hear the hon. gentleman from Halifax give utterance to such a legal heresy as to say the grand jury is under the jurisdiction of this parliament. In no shape or form is either the grand or petit jury under the control of this parliament.

Hon. Mr. POWER—I said that as regards the criminal law this parliament had to do with the grand jury.

Hon. Mr. CLORAN—I go further and say that in no shape or form has this parliament anything to do with the grand jury, and has no control over it. It is a creation of the provincial legislature, so much so, that I know, owing to a report which I made on that question in 1890, that the grand jury system was completely changed in Quebec, and the Dominion parliament was not consulted in the matter. The grand jury deals with crimes created under Dominion law, but that fact gives the government no power over them whatever, and to make such a statement on the floor of the House is a heresy and against our provincial rights. The grand jury can be made 24, 12 or 16 by provincial power, and by no other power, and there can be no question in this parliament of abolishing the grand jury or the jury system. That lies entirely within the jurisdiction of the provincial power, and the day will be far distant when either the grand jury or the petit jury will be abolished. The grand jury renders to-day great service to the country. It does not render the service that should be rendered, the same as in the United States, where the grand jury is very often called upon to investigate abuses of public right and abuses under public administration. Up to the present in this country, especially in the province of Quebec, the grand jury, after examining the indictments which have been laid before it, have, owing to the courtesy of the sheriff or to the direction of the judge, to visit public institutions and to make report thereon and that is all they have to do after the criminal work is concluded. I should like to see the usefulness of the grand jury extended, and where abuses of public right or abuses of public administration—that is maladministration—occur, that the grand jury would have the same right to investigate as obtains in the United States. I make these remarks simply to put on record the fact that this parliament and government have in no way, shape or form any right to interfere with the existence, control or administration of justice in regard to that point.

Hon. Mr. POWER—I do not know what the practice is in Quebec, but I suppose they have the same criminal law that we have in the other provinces, and I think that under that criminal law an indictment has to be found by a grand jury. The hon. gentleman, I understand, has an extensive practice in the province of Quebec in the criminal courts and otherwise, and perhaps he will tell me if it is not necessary there to bring an indictment before the grand jury.

Hon. Mr. CLORAN—Yes, I said so.

Hon. Mr. POWER—Then what does the hon. gentleman mean by saying that parliament had nothing to do with the grand jury ?

Hon. Mr. CLORAN—Nothing to do with them in regard to their existence in any shape or form.

Hon. Mr. FERGUSON—As I understand it, the organization of the courts belongs to the province, and now I begin to appreciate the situation. In Saskatchewan and Alberta they have not organized the courts in such a way as to have a grand jury. Now we are declaring by this enactment that in these provinces, where there is no grand jury, how a trial can be proceeded with. If that is the position I now understand the amendment.

The clause was adopted.

Hon. Mr. COMEAU, from the committee, reported the Bill without amendment.

## JUVENILE DELIQUENTS BILL.

### DEBATE RESUMED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for the second reading (Bill FFF) An Act respecting Juvenile Delinquents.—(Hon. Mr. Sullivan.)

Hon. Mr. SULLIVAN—I am sorry that this very important matter should remain over till the end of the session, because I am satisfied there will not be time for hon. gentlemen whose opinion will be very valuable, to address this House. On the last occasion, I was engaged in discussing the question whether the acquired criminal habit or the congenital one, was the greater, or whether there was one or two. I understood some hon. gentlemen thought there was but one, that is the one of environment—that environment was the cause of all the crime. I draw the issue there ; statistics, facts and observation over a term of years go to prove the contrary. These questions of generation and the inherited tendency of a certain quality to appear in the offspring of a human being are, as I said before, most difficult for any one to examine. However, as to whether babies are born good and become bad by the corrupt influence of those in whose company they are trained, or whether they come into this world inheriting a certain predisposition to certain qualities good or bad, I am of the opinion that they do. Evidence of this can be found in a variety of ways, some of which I mentioned in the first part of my remarks. I mentioned about certain facts and conditions of disease and other qualities, appearing in the offspring. To give you examples of these, I need only mention certain qualities that you have noticed yourselves, probably on a rather limited scale, but these observations go to show that there is a great deal of truth in it. These qualities may be transmitted by one or both parents. For instance, Huxley, the greatest biologist of last century, was of the opinion that he inherited his artistic quality from his father, and that there was a very large slice of his mother in his character, compared with the small amount derived from his father. Moreover, good or bad qualities will skip a generation or two and come back. It is well known to those who have large picture galleries, that the physical features of one generation will stop and then after one, two or three generations will reappear. That quality is called atavism, or reversion to an ancestral type. But if the anatomical qualities can be transmitted, such as a tall or a short stature, so also can the mental or moral qualities, whatever they may be. The remedy for inherited evil tendencies is through the establishment of certain schools which this Bill contemplates in this country. Of all the means taken for the purpose of eliminating a criminal or diseased condition, it is essential that the person be removed from the environment in which he is. You know from your own observation that it is useless to try to correct a child and allow him to remain under evil influences. On this line these reformatories or schools have been established. I mention this to show at what an early period England took hold of this matter. It was begun as early as 1827, but the first attempt failed, because it was connected with crime. The schools were closed in 1866 because the number of inmates had dwindled from over 500 down to 60. Then came the establishment of other reformatories, but these also have something to do with penal institutions, and the result of the objection to them was the establishment, in 1854, of the first industrial school. That went on for several years, amended by not less than eight or nine Acts all extending the scope of it.

The object, as I said, was to take these children away from criminal surroundings and place them in a position where they would have instilled into their minds right sentiments and have their time profitably employed so as to fit them for good citizens

and qualify them to earn an honest and comfortable living. There is a sort of fascination to young people in crime, as soon as they attain an age to understand the adventure connected with it, and they resist any attempt at confinement or restraint. The laws in England were made very stringent in their character. The schools were connected, not with the jurisprudence, but with the education of the country. The consequence was, they were extended all through England and have done an immense amount of good, diminishing crime and particularly juvenile crime. In 1900 there were 42 reformatories, 148 industrial schools, 15 day industrial schools, and 22 truant schools, attended by 4,953 boys, of whom 764 were in Scotland, and 4,189 in England. There were under sentence in those reformatories 3,786 Protestant, and 1,166 Roman Catholic boys, and 498 Protestant, and 160 Roman Catholic girls. I mention these figures to show the number confined in the reformatories compared with those in the industrial schools. In the industrial schools there were 14,384 boys. There were 4,719 girls in England, and 1,417 in Scotland. Of these 11,135 were Protestant, and 3,249 Roman Catholic boys, and 3,042 Protestant girls to 1,637 Roman Catholics. There were at large on license of these 1,498. These facts will show, with the extent of this movement, the great effort which England is making to suppress crime. A more humane act could not be taken by any individual that that which contemplates the snatching from destruction of boys and girls at an early age and turning them into good citizens. I mentioned in my former remarks the cost of this work—£21 for each boy and £20 for each girl. I mentioned also that about two-thirds of the cost is made up by the exchequer, and the rest of it from the rates on the county or borough, and by subscription and on the products of the labour of the inmates of the institution. These schools are generally entrusted to the boards of education in towns, unless there might be a special board in a large city. There is a scale given for the crime the boy may be committed for. The amount for a thief, for example, was six shillings; that is the highest, and the amount for a refractory boy is two shillings. The management, of course, is not at all like a prison. There is no uniform and the superintendent is supposed to know every one of these children, their habits and their tendency towards crime if they have any. I could not very well go over the treatment under which they place these children, but, as I mentioned before, the first influence employed is religion. Huxley, who, as you know, was a sceptic, when appointed towards the close of his life on the London school board, when arranging a curriculum for the public schools, put the Bible first, because he thought the religious instinct should be cultivated as much as possible. Moreover, they placed their children under Protestant or Catholic control. I will not speak for the Protestants, but the Roman Catholics have a great many communities both of men and women, and these communities can afford to work cheaper than the secular schools. You know they are not paid specially for their work. They do it because their obligations impose it on them as a duty, and they do it as a labour of love. There is a rivalry between the different communities, and you can see where the religious instruction comes in, I see that in this Bill there is a rigid rule which is to be enforced that each boy or girl be placed under the control of the denomination to which he or she belongs, so that feature of the treatment will be thoroughly observed. The next is elementary education. Of course the famous three R's will be required —reading, writing and arithmatic. If any inmate should manifest special talent, that will be cultivated. Then there will be physical training. Where those institutions are under the control of boards of education, they can be, and will be well managed, and the proper course of instruction will be observed. Then, connected with this, there are some esthetic teachers. On this Prof. Huxley was very strong. He thought physical education was very important for boys, though he did not see so much need of it for girls, except to give them a good gait and a good figure, and there cannot be a better endowment for a young woman than a good gait and a good figure. You can get any number of subjects for treatment of this kind in the city of Ottawa, when walking down the streets of the city, especially on Saturday. Esthetic training can be conducted by means of music. The boys who

cultivate musical talent, find ready employment in military and other bands.

The next point is physical education consisting of athletics. My hon. friend from Calgary mentioned the influence which crime has in producing decrepitude of body and injuring the race. I am sure you were all impressed with that, though it may not go so far as some persons think. I read some time ago that if you cut off a dog's tail for some generations, in the end you would develop a breed of dogs without tails. It is said that the Abothammedans of the Celebes have hardly any prepuce. There is also the fact that the Scotchman of to-day have developed into a tall race of men, and then there is the fact of heads becoming elongated or square. I was very much interested, when in London, in visiting the Kensington museum where facts were being collected concerning physical influences. You could be measured, the number of respirations counted, the state of your pulse, facts about your father and mother mentioned, everything was taken down and no fee was charged. The trustees of the museum gave Sir Frances Boulton the space necessary to carry on his investigations. He has published a book since, which I have not had the opportunity of seeing. By taking such observations you can get at the effects of certain treatment and physical conditions, such as the effect of occupation, &c., on the anatomy of the race. We know that is so under certain conditions. I mentioned before about the degeneracy observable in some countries. The boys readily take advantage of the physical training. For instance, a great many of them go to the training ships and take a course, which they enjoy very much. The result of this treatment in England I have already mentioned. I should also mention in connection with the subject of physical culture that marks are given for conduct in the various classes. That is a good way of starting emulation. The object is to place the authorities of this institution in loco parentis—in the place of the parents—to arouse in them a feeling of enthusiasm, and a feeling of hope, and to make them appear as if they were not retained in any institution involuntarily. The idea is to make their stay voluntary, and where institutions are voluntary, the benefit is correspondingly great, and, as the Rev. Sydner Turner, who was one of the early philanthropists in this matter, said, when you come to the voluntary institutions you can dispose of the inmates ten times more satisfactorily than if they are in a public institution. They keep track of the address of these boys, their occupation and surroundings, and they report for some years afterwards. The report of the inspector for three years, is as follows: There were 13,390 boys and these were placed as follows: 939 in the army, 443 in the navy, 2,194 marine and fishermen, 428 farming, 678 factories, 475 carters, 395 iron and steel workers, and casual employment 577, and the reconvicted cases in those were only 976, or seven per cent.

With reference to the girls, there may be a great deal more difficulty in placing them, or perhaps there is less, probably there is less. They are educated as domestic servants. That is the main feature, and nothing could be better. Where any of them show any ability or any tendency to learn, and devote themselves to a higher sphere of occupation, they are taken care of as shop-girls, clerks, and typewriter-operators. They are thoroughly instructed in that respect, and, as I understand the condition, the number of girls placed in these positions is greater, and it is far more satisfactory. Of these girls 3,005, or one-half, were domestic servants, and 381 of these were in houses where there were more than one servant, and that is considered a good deal in England; but I do not suppose we would think so much of it here. There were 244 laundry maids. The reconvicted girls numbered 62, or two and a half per cent. There are 202 that were not accounted for. That gives an idea of the way these people are placed, and the satisfactory manner in which institutions of this kind can be worked. This disposal of the inmates is a great success, and by watching them the authorities consider that crime is diminished, and employment is obtained for many hundred of thousands of men and girls who would otherwise be thrown on the street, either as mendicants or vagrants or both, and the step from mendicancy to crime in large cities in England is very easy. I have shown you that England has, for a great many years, taken care of the juveniles,

and tried every means possible to diminish crime. I have done that because my hon. friend from Calgary stated otherwise, and I wanted to break a lance for England on account of the presence of my hon. friend on my right. I thought it was my duty to do that. Now, I am going to show you that the information in the other part of his statement is not correct. I call attention of my hon. friend to a statement made by the compiler of the judicial statistics in England, which comprises three or four years, and it is of course very reliable. In making this statement I desire to call attention to the language used, and I desire hon. gentlemen to understand that this is a source which cannot be disputed. I do not know if the author quoted by the hon. gentleman is as correct as that. I had never heard of him, but I do not mean to say that the statement is not correct. I only desire to say that the source from which I obtained this information is beyond doubt. It is the judicial statistics of crime from the courts. The number of criminals in England of a year ago was 14,150. That is not a great number, and the statistics in Whittaker's Almanac do not seem to show any great increase. These are the words of the editor of these statistics, speaking in 1900, and giving the statistics of the three previous years :

> I am inclined to think the tendency towards the decrease of crimes generally extends——

Remember those words, because the hon. gentleman laid great stress on the fact that crime was increasing, and I presume he referred to our country——

> Generally extends to juvenile criminals as a whole. At all events there is no ground for believing that there has been any large increase of crime. Of the credit for this happy state of things, a fair share justly applies to the reformatory and industrial school.

That is very satisfactory, because it shows the influence of these institutions in the diminution of crime. According as the persons confined in the reformatory decreased, in the industrial schools it went up. I have had a great deal of pleasure in discussing the subject, because it has a good deal of affinity to my occupation. I know that the sooner you take any child away from the vicinity of crime the better, and when children arrive at an age when they can earn money, the parents try every means to get hold of them. This is a local measure, and I wonder the hon. gentleman from Mille Isles did not observe this. It is only a few days ago we passed a resolution in favour of provincial rights, only one vote being recorded against it, and here is a matter of provincial rights. I had a talk with the gentleman who was the father of the Bill, and he said they wanted permission to go to the local legislatures. This is education. You would not class it with crime. It is to prevent crime, it is educational and it belongs to the local legislatures, without a doubt. I do not wish to imperil the Bill by saying this, because there can be no nobler idea than the philanthropic one of helping mankind. There was a word devised by a great philosopher, 'altruistic.' It is very altruistic of the gentleman who took up this measure. It is the best measure that has been before this House in my time. It can be worked with benefit. I hardly think it would be proper to have a central place like a penitentiary to which juvenile offenders from all over the country should be brought. It would be better if the Dominion had made this arrangement general; and, on the other hand, it would be convenient if the provinces had it, because they would spend more time and labour on it probably. The success of such a proposition depends on the individual in charge of it. If a man delights in doing acts of beneficence of this nature—and there are men who are in that class—there are just as many men born with good qualities as there are with bad ones—he should have every opportunity afforded him of carrying out the reforms. It is with that spirit I entered on the discussion of the Bill, and not to criticise it with any degree of asperity whatever, but rather to give all the aid and assistance I possibly could. I wish the hon. gentleman who has charge of it abundant success, and I shall do all that I can for him. I trust whether it is the local legislature or the Dominion parliament that undertakes the duty they will not squabble over it, but that both will endeavour to make it a success.

Hon. Mr. DeBOUCHERVILLE—This Bill, which is to amend the criminal law, has been introduced in this House by the hon. Secretary of State. He told us he

did not intend to press it at present; that it was put before us so that we might have an opportunity to study it before next session. Certainly this Bill ought to have been presented in the House of Commons, because the minister who is partly responsible for the measure is the Minister of Justice, and as it has been presented here, we can only suppose—we cannot be certain—that it was presented by the Minister of Justice. If that is the case, then the remarks I make will apply to him. Some hon. gentlemen who have spoken on this question have stated that it had a very good object in view, and suggested that the Bill should be passed now. Those gentlemen probably are not aware that these reformatories already exist in some of the local provinces. The preamble of the Bill reads:

> Whereas it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts.

This Bill would probably be amended if it were passed, but does the inference not come very naturally to every one who reads this clause, that we in the Dominion of Canada permit young criminals to be confined in the same jails as the old ones? I know very well that in the province of Quebec, for over 48 years, we have not allowed young offenders to be associated with the older class of criminals. We have in Montreal what is called a reformatory, which is a prison, for the Catholics, and in Quebec there is also one. In Sherbrooke there is a reformatory for the Protestants.

Hon. Mr. SULLIVAN—There is no institution in Canada for the same purpose as this, because this is a preventive. The government would, under this Act, have power to take those children away from bad influences.

Hon. Mr. DeBOUCHERVILLE—It is only delicate children that should be sent there. Have you not in Ontario a reformatory school?

Hon. Mr. SULLIVAN—Yes, but it is a penitentiary.

Hon. Mr. de BOUCHERVILLE.

Hon. Mr. DeBOUCHERVILLE—They make a difference in Ontario and in Quebec, and they make a difference in Nova Scotia. Although this measure has been introduced by the hon. Secretary of State, I think the Minister of Justice must have something to do with it. It is hardly fair to put the provinces in the position of saying that they have had no such reformatory. The second clause reads:

> (a) 'child' means a boy apparently or actually under the age of sixteen years, or a girl apparently or actually under the age of seventeen years.'

Any child who smokes, or who is in possession of cigars, cigarettes or tobaccos in any form is a delinquent. You can put him in jail. You can call him a criminal, even though it is not in the criminal law. Would a boy smoking a pipe, cigar or cigarette be liable to be sent to jail? I suppose there are some places in Canada where they have not made the distinction between juvenile delinquents and others. I think this Bill should pass, and I agree with those hon. members who think that it should be passed into law now without amendment.

Hon. Mr. ELLIS moved the adjournment of the debate.

## PRINTING OF PARLIAMENT.

### REPORT OF COMMITTEE ADOPTED.

Hon. Mr. ELLIS presented the third report of the Joint Committee of both Houses on the Printing of Parliament. He said: When this matter came before the Joint Committee on Printing, it was decided by them not to print the report of the Royal Life Insurance Commission and the evidence taken by them, inasmuch as it was already printed and laid before the House, and therefore it was not necessary to print it a second time. The committee so reported to the House, but when consideration of the committee report was moved in the House of Commons, some hon. gentlemen argued that the insurance report should be printed in French, and the committee concurred in that view.

Hon. Mr. BEIQUE. I move concurrence in the report.

Hon. Mr. ELLIS—I beg to move that the report be amended according to the decision of the House of Commons.

Hon. Mr. DeBOUCHERVILLE—Have we not adopted a motion that the report shall be printed ?

The SPEAKER—That was not on the same matter.

Hon. Mr. DeBOUCHERVILLE—It was in regard to old age pension. We ought to have an assurance that the House of Commons has done this.

Hon. Mr. ELLIS—I have given that assurance.

Hon. Mr. LANDRY—What would happen if we took a different view from the House of Commons ? Are we bound to accept that amendment because the House of Commons has thought fit to recommend it ?

Hon. Mr. ELLIS—I think we can vote it down if we wish to do so.

Hon. Mr. LANDRY—I do not see what advantage there will be in having the four volumes translated into French.

Hon. Mr. ELLIS—The committee recommended that the report and evidence be not printed in French; but the House of Commons decided that the evidence having been printed in English, should also be printed in French. The House of Commons have control of financial matters. They came to the conclusion it should be done, and I think the least this House can do would be to concur. The old practice was that the reports to both Houses always concur. It would be very awkward to let the journals go, with the House agreeing to one thing, and the Senate disagreeing.

Hon. Mr. FERGUSON—If the Senate should disagree, there would be no authority for the printing. It is true the House initiates money Bills, but the assent of this House is necessary. I do not know what the view of hon. gentlemen in this House is with regard to printing this report in the French language may be. The report and the evidence have already been printed, and this will call for another printing. It is an enormous expense, and if hon. members representing the French language in this House have strong views on the matter, I should like to respect them ; if they are indifferent on the matter we have a perfect right to reject such an amendment, because I regard the printing as an absolute waste of money. The report has been published and has cost more than it is worth.

Hon. Mr. LANDRY—I call atttention to a fact which occurred a few years ago when the voluminous report on labour was printed. It was never published in French. We never complained. If there was any possibility of effecting compromise, I would ask that the King's Regulations be printed in French instead of the insurance report. They would be of more service than this evidence, which will have interest for very few.

Hon. Mr. ELLIS—The position is, that whatever is presented to the House of Commons is printed naturally in both languages. Some documents may escape, but that is the principle upon which the government of the country, whatever party is in power, acts. This was a report submitted to the House of Commons. It was in print when it came to the Joint Committee, and that committee decided that it was not necessary to make an order for the printing of it. The question was asked in the House of Commons as to the French copy. There was no French version of the evidence, and the attention of the Minister of Finance was called to it, and the answer of the government was that whatever was printed in English must be printed in French. So that in order to get it right on the Journals of the House, the report of the committee was amended in that way, and the suggestion was made to me, as the chairman from this side of the House, that the Senate should follow suit.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman appears not to have received his four volumes. The evidence was printed in four large volumes and the report of the commission in another volume all in English. They were not printed by order of the government or parliament, but through the commissioners. What I understand they propose to do now is to translate all this into French and print it for circulation. Of course the French members are entitled to it if they desire to have it all printed in French ; but if the hon. member from Stadacona can speak for the French population, it will not be necessary to print the evidence in French. They have an advantage over our English-speak-

ing people. They can all read and understand English, while many of us cannot read French. There would be a great expense in translating and printing those four large volumes of evidence. I do not know whether any of us will read the evidence, but we will, undoubtedly, read the report and probably the translation and printing of the commissioners' report in French will meet every purpose.

Hon. Mr. ELLIS—All documents laid before parliament must be printed in both languages.

Hon. Mr. LANDRY—I cannot see any necessity for printing the evidence in French. It interests the insurance companies principally, and they are mostly all composed of English-speaking people, while the few French people interested understand English very well.

Hon. Mr. FERGUSON—There is a strong objection to printing the report without the evidence, from the fact that there are statements in the report which are not warranted by the evidence, and the report without the evidence would have a tendency to mislead.

Hon. Mr. LOUGHEED—Did I understand my hon. friend to say that he proposes to move an amendment to the report?

Hon. Mr. ELLIS—Yes.

Hon. Mr. LOUGHEED—I cannot reconcile that with the statement he has made; but, as a matter of course, the evidence and report are to be translated and printed in French. It seems to me if there be any amendment it should be that the evidence be not translated and printed in French.

Hon. Mr. LANDRY—The main report is that it shall not be printed at all, and the amendment is that it shall be printed. In order that we may have time to think it over, I move the adjournment of the debate.

Hon. Mr. FERGUSON—The real trouble has arisen from the fact that the Insurance Commission, along with other extraordinary things they did, superseded the authority of the Joint Committee on the Printing of Parliament by taking the printing of this report and the evidence into their own hands. The Joint Committee on Printing of Parliament has control of all the printing. The report was printed in English and not in French. Apparently the commission did not know any better.

The motion was agreed to.

## STATIONERY SUPPLIED TO MEMBERS.

### MOTION.

Hon. Mr. WATSON moved the adoption of the fourth report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. FERGUSON—As the chairman of the committee is present I wish to call attention to a statement made by him in the hearing of honourable gentlemen, which I understand had reference to myself, with regard to the use of Senate 'Hansard' envelopes in the distribution of public documents. I am glad the matter has been referred to, because it must have been talked over amongst some hon. gentlemen themselves, and the statement has been made that I had abused my right to get a supply of stationery. For the last eleven years the average of my drain on the Stationery Department for stationery, apart from 'Hansard' envelopes, has been $6.52 per annum. I find that the hon. gentleman from Brandon, during the seven sessions he has been in the House has requisitioned the Stationery Department for nearly double the value of ordinary stationery that I have drawn in eleven years. I think it goes without saying that my requirements in connection with public business is at least as great as his. I have not made out the cost of the 'Hansard' envelopes, but it is not much. Some years it amounted to considerable, but other years there was none, and other years again very little. I take the ground that there is no abuse in a member of the Senate using 'Hansard' envelopes in the distributing of parliamentary documents. It is only discharging a duty we owe to those we represent, and I am only sorry I have not been able to do it to a larger extent every year. I have paid for the printing of some of those documents myself, as much as $100 in one session. I feel I would be only performing my duty to the people I represent if I did three or four times as much of that sort of work, and I think it should be more gener-

ally done by members of the Senate. While I am on my feet I want to inquire about the telephone in room No. 17. If telephones are to be supplied for the private use of members in their rooms, there should be no partiality. The same privilege should be extended to every member of the Senate. I might very properly describe that as an abuse.

Hon. Mr. WATSON—The hon. gentleman has referred to a matter which arose in a discussion that took place with closed doors—that I had characterized as an abuse the fact that the hon. gentleman had ordered 20,000 'Hansard' envelopes from the Stationery Department. I made that statement and still maintain it, and that is why the subcommittee recommended that a limit should be placed on the quantity supplied. The stationery office could not refuse the hon. gentleman's application, but as there were only 14,000 envelopes for the whole Senate and he wanted 20,000, there were none left for anybody else. If the Senate wish to furnish envelopes enough to give any senator 20,000, let us know it and make an order ahead ; but I did say, and I repeat, that it was an abuse to allow any senator to clean out the supply of envelopes in the Stationery Department. So far as the telephone is concerned, there is one in room 17, which room is occupied by nine senators. That telephone is used by all of us and by any senator who may think proper to use it. I believe there should be another telephone in addition, because the one at the foot of the stairway is sometimes out of order and is very much in use.

Hon. Mr. GIBSON—If any one in the House or out of it wishes to use the 'phone in room 17, he is at perfect liberty to do so. Last week when the telephone at the foot of the stairs was out of order, many senators were glad to be able to use the 'phone in room 17, and they were all welcome to do so.

Hon. Sir MACKENZIE BOWELL—I inquired the other day who paid for the use of the telephone, and I was told that those who used it had to pay. I understand from the chairman of the Contingent Accounts Committee, that the Senate pays for the 'phone in room 17.

Hon. Mr. WATSON—Yes.

Hon. Sir MACKENZIE BOWELL—Does the Senate pay out of the contingencies whatever expense is connected with it ?

Hon. Mr. WATSON—I think so. The 'phone is placed there for the use of senators, and is paid for the same as other 'phones in the Senate.

Hon. Sir MACKENZIE BOWELL—I am glad to know that, because when I wanted to use a 'phone, I was told I had to pay for it.

Hon. Mr. WATSON—Do I understand that the hon. gentleman is asking about the cost of installing the 'phone ?

Hon. Sir MACKENZIE BOWELL—Supposing I want to telephone to any part of Canada, is that message paid for out of the contingencies ?

Hon. Mr. WATSON—No.

Hon. Sir MACKENZIE BOWELL—Is the use of the telephone confined to the city alone ?

Hon. Mr. WATSON—Certainly. The long distance business has nothing to do with it at all. Each senator who sends a long distance message has to settle for it himself.

The motion was agreed to.

The Senate adjourned until three p.m.

## SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

### BILL INTRODUCED.

Bill (139) An Act to create a Department of Mines.—(Hon. Mr. Scott.)

### THE DISTRIBUTION OF THE REVISED STATUTES.

Hon. Mr. FERGUSON—My hon. friend, the Secretary of State, informed us some day last week that he would give information on Monday last with reference to the distribution of the remaining numbers of the Revised Statutes. If he has the information now, I know hon. gentlemen would like to get it.

Hon. Mr. SCOTT—I have here a list of the persons to whom the Revised Statutes have been distributed :

1. It will appear from the memo. that the whole of the distribution has been supplied with one copy, except a few at the end of the list in England and foreign countries and in the Yukon territory, which cannot be reached by mail.

This distribution has been made with the three volumes, and the fourth volume is now being sent out to complete the set. The distribution of the fourth volume has already covered half the list.

2. All outside orders from the trade or booksellers has been filled and there are no orders outstanding from outside parties to be filled.

3. The number of copies distributed is 2,815. The number of copies sold to the public is 1,500—4,315. The duplication of copies is now going on to those persons entitled to more than one copy.

4. The distribution of copies in full calf and half calf binding will be commenced in from six to eight weeks.

5. The volume of Criminal Code is now being distributed to justices of the peace. The quantity required is very large—about 10,000. The distribution is going on as fast as is consistent with correctness.

6. It will appear, therefore, that the distribution is complete upon the list ordered by council, and the public has been supplied with every copy asked for, and that there are enough copies on hand to fill any order from the public which may come in.

7. As soon as the House rises and some of the presses are released a new edition will be put to press from the plates which have been made.

Hon. Mr. FERGUSON—It may not be convenient, or perhaps possible, to distribute the remaining two copies to each member of parliament before the closing of the session ?

Hon. Mr. SCOTT—Oh, no, that would not be possible.

Hon. Mr. LOUGHEED—Are the Crown prosecutors in the list which my hon. friend has read ?

Hon. Mr. SCOTT—No, unless they hold an official position they would not be. The distribution was made from the list prepared in 1886, when the former distribution took place. It is larger now, because it includes colleges and universities, which were not included in the list of 1886, but in other respects it is based on that.

## CANADA'S ATTITUDE ON TRADE MATTERS.

Hon. Mr. LOUGHEED—Before the Orders of the Day are called, I wish to direct the attention of the acting First Minister to a cablegram published in yesterday's 'Star,' which reads as follows :

> London, April 23.—If, as is expected, the Colonial Conference closes on May 4th, Sir Wilfred Laurier has arranged to leave London for Paris on May 6th or 7th, and will proceed to Italy, where he expects to meet Mr. Fielding shortly after.
>
> I am informed to-day on unimpeachable authority, that it will altogether depend on the result of next week's discussions at the Colonial Conference on preference, and especially the attitude of British ministers, what line the Canadian ministers take in their negotiations with France, Italy and possibly also Austria. The way has already been prepared by pourparlers on behalf of Canada with both the Austrian and Italian governments, though it is most unlikely the British ministers will see their way clear to escape from their election pledges sufficienty to admit the principle of preference even on the existing British tariff. In that case, the Canadian ministers will feel perfectly free to proceed with negotiations with foreign countries to admit them to part of the benefits of the British preference under the new intermediate tariff.
>
> The Canadian ministers' position, as they are prepared to submit it to the British ministers is, I am authoritatively informed, as follows: 'Canada has practically gone the limit as far as advances to the motherland are concerned. It is now up to the motherland to reciprocate. Canada does not ask her to reciprocate, but if she does not, the motherland can scarcely blame Canada if she enters into trade arrangements elsewhere. In no way would such arrangements interfere with Canada's imperial sentiment, though the motherland may be sorry she has missed the opportunity.' The case stands simply thus:—'You may be a friend of mine, and I may have a business transaction which may benefit you; you do not fall in with my ideas, and I go elsewhere to find somebody who does. This fact, as a rule, would not interfere with our private friendship.'

My right hon. friend will doubtless recall an interesting discussion we had a few days ago, with reference to the extension of the intermediate tariff to foreign countries, particularly those countries enjoying the favoured nations treaty. My hon. friend pointed out certain difficulties which confronted the government at that time as to extending to those nations the advantages of the intermediate tariff. From this cable, it would seem as if the matter were being discussed at the Colonial

Conference. Can my hon. friend say to what extent the Canadian government has discussed that question, particularly with the nations referred to, and to what extent any favoured nations treaty may stand in the way of extending the intermediate tariff to these particular countries ?

Hon. Sir RICHARD CARTWRIGHT—I regret that I am not in a position to give my hon. friend much information. These are matters which, you will observe, from the nature of the case, can hardly be discussed by cable, inasmuch as they involve a great variety of details, and I have not yet received any detailed information from the Prime Minister as to what has been done with respect to these matters. There have been certain pourparlers going on with one or two of the countries alluded to, but they had not special reference to the conference. These pourparlers have been going on with one or two of the countries to whom the hon. gentleman has alluded, but they had nothing to do with the proceedings of the conference. They have been apart from that.

Hon. Mr. FERGUSON—Can the hon. gentleman name these countries with whom these pourparlers have been going on ?

Hon. Sir RICHARD CARTWRIGHT—Italy for one. We have had some communication with, and there have been some informal communications with Germany.

Hon. Mr. FERGUSON—These are the two ?

Hon. Sir RICHARD CARTWRIGHT—These are the two, but there is nothing in such shape that I could make a communication to the House with respect to them.

Hon. Mr. LOUGHEED—Would my right hon. friend be at liberty to say whether it will be a subject to be discussed at the Colonial Conference now sitting ?

Hon. Sir RICHARD CARTWRIGHT—I doubt considerably whether anything as regards our attitude to foreign countries will be discussed there. I think it unlikely. I think the proceedings of the conference will be confined almost exclusively to the attitude of the British government to the colonies generally, and to the colonies as between themselves. I do expect that communications will be had particularly with New Zealand and Australasia on the subject of their extending preferences to us and ourselves reciprocally to them—those two colonies and, very probably, also the colonies of South Africa, the Transvaal and Cape Colony, but I do not think the question of our relations to other countries is likely to come up.

Hon. Mr. LOUGHEED—At the risk of being regarded as inquisitive, may I further ask my right hon. friend if it would not be a very important factor in the consideration of the question as to what the attitude of Great Britain would be towards Canada as to the preference which we at present extend to the mother country in the event of Canada extending the advantages of the intermediate tariff to the other countries mentioned ?

Hon. Sir RICHARD CARTWRIGHT—It would be a matter, no doubt, which I fully expect the Prime Minister will discuss with the British government and the officers specially charged therewith ; but I may remark, speaking, as hon. gentlemen will understand, informally, that the intermediate tariff that we offer will not materially affect the British preference. The amount of the reduction involved in it is not such as to seriously militate against the preference we offer to Great Britain.

Hon. Mr. LOUGHEED—I notice there is quite a divergence of opinion, particularly in England, as to the difference between the two tariffs ; I recall that my right hon. friend stated the other day that the intermediate would not exceed two and a half per cent, and I think that opinion seems to obtain in Canada, but I have noticed in some reliable British publications that they regard it as affecting English trade to the extent of from five to seven per cent. I am not prepared to say how well founded that conclusion may be.

Hon. Sir RICHARD CARTWRIGHT—I think they are mistaken in that, as my hon. friend the leader of the opposition will see if he critically examines our tariff. There are a few cases, but very few, in which it may exceed two and a half per cent, but they are very rare, and as a rule they affect articles in which we deal chiefly

with the United States, and not with other countries.

## TRANSPORTATION CHARGES.

### INQUIRY.

Hon. Mr. POWER inquired :

1. What proportions of the passage money from Liverpool, England, to Winnipeg, Montreal, Quebec, St. John and Sydney, severally, via Halifax, are taken by the steamship company, the Intercolonial Railway and the Canadian Pacific Railway, respectively ?
2. On through freight shipped from Liverpool and forwarded via Halifax to Sydney, Truro, New Glasgow, Moncton and Montreal, severally, what proportions of the charge for transportation go to the steamship company and to the Intercolonial Railway, respectively ?

Hon. Sir RICHARD CARTWRIGHT—The reply I have had from the Messrs. Allan is as follows :

The first question refers to passengers but does not indicate whether cabin, intermediate or steerage is intended. In any event, however, the Intercolonial Railway is, we think, fully informed in the matter. The great volume of the season's business has been of steerage passengers from Liverpool to Winnipeg, the through rate for which has been $46.50 per adult, of which $27.50 is for the ocean passage. The second question has reference to through freight rates on imported merchandise, which indicate the class of goods respecting which information is required. Seeing ocean freight rates on this traffic vary from 9s. 6d. or less per ton for coarse dead weight up to 25s. per ton for fine goods, further information is required before an answer can be given to the question. But inasmuch as all through import goods via Halifax are moved over the Intercolonial Railway, the Railway Department is in possession of full details, which are doubtless available to you.

Inquiry is being made from the Intercolonial Railway, and I will give the hon. gentleman any further information I can obtain.

Hon. Mr. POWER—There is one point to which the House will allow me to direct the attention of the right hon. gentleman. In their reply the Allans give the proportion from Liverpool to Winnipeg, but I asked also with respect to Quebec, Montreal, St. John and Sydney, and there is no information with respect to these points in the answer.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will see that is a question which will require some considerable time to get full answers. I have made application and will obtain the information as soon as I can.

The motion was allowed to stand.



## THIRD READING.

Bill (145) An Act to amend the Criminal Code.—(Hon. Mr. Scott.)

## POST OFFICE ACT AMENDMENT BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (113) An Act to amend the Post Office Act.

(In the Committee.)

Hon. Mr. SCOTT—The duties formerly discharged by the comptroller are by this measure proposed to be placed under the post office inspector.

On the second clause.

Hon. Mr. SCOTT—As the law stands, it provides that a man cannot be appointed superintendent unless he has served ten years. It was found impossible to obtain men who had served ten years, and it is proposed by this clause to reduce it to five years.

The clause was adopted.

The 5th clause amends section 115 of the Act by inserting after the word 'service' in the second line 'or any duly accredited official of the Post Office Department.' At present the Post Office Act names certain persons who are carried free on railroads and steamboats accompanying the mail, but there are other officials who are sometimes sent, and it is to give wider power, so that any one who is sent with the mails shall be entitled to free transportation.

The clause was adopted.

Hon. Mr. CLORAN, from the committee, reported the Bill with an amendment which was concurred in.

## CRIMINAL CODE AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (136) An Act to amend the provisions of the Criminal Code respecting the preservation of the peace in the vicinity of public works. He said : Owing to the extensive works in connection with railway construction it is found necessary to enlarge the Act for the preservation of peace in connection with public works. The changes in the law make it more stringent. Section

17 of the Act is amended by adding the words 'Any such liquor shall be presumed to be intoxicating if it contains more than 2½ per cent of spirit.'

Hon. Mr. POWER—That interferes with the health of the community. It excludes peruna and other medicines which contain very much more than two and a-half per cent of alcohol.

Hon. Mr. LOUGHEED—It would exclude a mixture of sawdust and spring water, because from recent chemical investigation it is found that sawdust contains at least 2½ per cent of alcohol.

Hon. Mr. SCOTT—Section 150 is amended by adding the following words : 'Nor shall they apply where liquor is supplied for bona fide medicinal purposes on the prescription of a duly qualified practitioner.' From my point of view, I do not think that improves the Bill at all.

Hon. Mr. LOUGHEED—That would exclude the wholesaler of liquor. I am at a loss to understand why the brewer or distiller should be placed in a better position than a wholesaler.

Hon. Mr. FERGUSON—That is the way the law stands at present.

Hon. Mr. LOUGHEED—No doubt, but why should the old law contain such a provision ?

Hon. Mr. SCOTT—Then the penalty for infractions of the law is increased from $50 to $100 on a second offence.

Hon. Mr. LOUGHEED—What good purpose is served by destroying the liquor seized ? Why not give it to hospitals and benevolent institutions where liquor is used medicinally ?

Hon. Mr. SCOTT—It is all adulterated, and it would be rather a risk to send it to a hospital.

Hon. Mr. LOUGHEED—From experience gained in the west, I know that the class of liquor referred to by my hon. friend cannot be handled to the same advantage as it could be elsewhere. About as good and pure liquor is used in the west as in any other part of the Dominion and I fail to see what good purpose is served by destroying the liquor.

The motion was agreed to, and the Bill was read the second time.

## INSPECTION OF ELECTRICITY BILL.

### COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. SCOTT moved concurrence in the amendments made by the House of Commons to Bill (P) An Act respecting the inspection of electricity.

He said : The principle amendment made is in changing the variation of pressure. As the Bill left this Chamber, the variation of pressure was allowed to be three per cent. The trade complain that the variation allowed is too narrow and they cannot live up to it. In England the Board of Trade allows a four per cent variation of pressure and the Inland Revenue Department sees no objection to the same provision being inserted in the Canadian Act. The amendment is to increase the variation to four per cent.

The motion was agreed to.

## JUVENILE DELINQUENTS BILL.

### DEBATE CONTINUED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for the second reading of Bill (FFF) An Act respecting Juvenile Delinquents:

Hon. Mr. ELLIS said : So much has been said on this subject that very little is left for me to say. Much has been stated in the debate of a controversial character and much matter has been brought in which scarcely bears on the subject before the House. I listened with a great deal of interest to the remarks of the leader of the opposition with reference to the increase of crime in Canada. I do not believe that there is any increase in crime, although the statistics seem to show the contrary. It must be remembered that, in the first place, there are a great many more crimes now than there used to be. The tendency in legislation is to make enactments against offences, which, without such enactments, are scarcely crimes. We have passed wholesale Acts to bring persons within the scope and operation of the law, and they find themselves in positions, which make them, to a certain extent, offenders against the law although until those Acts were passed they were not. I might call atten-

tion for instance to the law we passed with regard to Sunday observance, under which a number of things are made offences that were not offences before. Persons are apt to be brought up before authority for the commission of those offences, and the man who is making up his columns from the statistics, and has some point to prove, may readily find a number of offenders who had no existence previously; and so with regard to temperance legislation. Within the last thirty or forty years, there have been a great many laws passed with respect to prohibition and all the surrounding circumstances in regard to the sale of intoxicating liquors. There at once a large number of offences are created which come within the scope of the law and which the statistician who believes that crime is increasing, can very readily use as ground for an argument in support of this view. I think, on the whole, the tendency of the world is to improve. The fact that there are so many schemes in existence to benefit mankind, and the general spirit of philanthropy that prevails throughout the world, is very good evidence indeed that a better spirit exists than ever before to benefit humanity. The result must have a beneficial influence on mankind. I have no doubt, however, that the effect of the prevalence of those ideas has also resulted in making the laws more stringent, and making it more difficult for the ordinary kind of character to get along without, sometimes, coming within the purview of the courts. The hon. gentleman also stated that Canada is not up to the times—if I may put the idea that way—that we are behind the nations of the earth with respect to sociological questions covering a great many other things, and he referred to the older countries of Europe. But he must remember that they are countries which have been long settled. He referred to Italy, but Italy was a civilized nation before Christianity came into the world. It is no wonder that you find in that country a great body of opinion and very sound views with respect to the way in which crime should be treated. Some of the most eminent writers, with reference to the jurisprudence of crime and the forces which lead men to it and the nature of those who commit crime, are Italian, and the literature of that country abounds in really high views concerning the relation of man to criminal life. My hon. friend referred to Switzerland. That is also a very old country, and it is hardly fair to make it appear that Canada is neglectful, in view of the fact that this is a comparatively new country, and that we have been devoting ourselves largely to material work and have not the time to take up questions of that kind as the older countries have had. But I might make this observation, and I think it would be a fair observation, that as soon as we have an opportunity to study a law as is now proposed we take advantage of it. It was only last year that this matter was first brought within the notice of parliament. I remember that a lady came from some of the neighbouring states and addressed the members of both Houses on the subject, and I think you, Mr. Speaker, in returning thanks for the admirable address she gave, made the pledge that the Senate would be among the first bodies in Canada to take up her views and present them in such form that they might be made use of by legislation. We have carried out that pledge. The fact has been presented to the House that this movement originated in Chicago, or Colorado, only recently, or in 1899. Twenty-four states of the neighbouring union have so far adopted the plan, but the fact that twenty-four states have acted in this direction is a proof that the idea is making progress and the fact that the parliament of Canada is examining it to-day, shows at least a willingness on the part of our country to see whether such a scheme is a good one and to get the very best it can out of it.

So, I think, on the whole, that if we review our own work in matters of this kind, we will find that we need not disparage ourselves, and that we have no great reason to find fault. I observed the other day that it is only just at this moment that England is introducing the principle of a criminal appeal court. It would seem the moment attention is called to the formation of a criminal appeal court that such a thing ought to have existed long ago, and the ordinary layman, like myself, might be surprised to find that England has been without such a court. It would seem to be according to the highest ideas of fairness and

justice that there should be such a court, but that great nation has not thought necessary to introduce it until now, when the public opinion of the more civilized world favours the idea. That is only a few observations on the general ideas which move men to adopt higher forms of legislation. I was not able to follow my hon. friend from Kingston in all his remarks, but it struck me that while he gave us a most interesting historical account of the growth of schools of various kinds looking to the reformation of the young, he really did not touch the idea which underlies this particular legislation, nor did he fully—I would not say he did not fully—appreciate the merits of it, but he did not seem to me to present the merits of the system. There is no doubt that great credit is due to the philanthropists of England who have in various ways developed plans for the improvement and care of the children who are brought within the control of the law, and the legislation here proposed follows and grows out of what has already been done in England, but it is a great advance upon anything that the English courts have yet had. It is quite true, I think, that Birmingham stands almost alone—it stands far ahead of the English cities in the arrangement which it has made for the care of children ; yet the idea still seems to cling to the British systems that the children are criminals. They still are under the observation of the law ; the philanthropic men, those men who have taken charge of the children committed to them, really hold them as offenders against the law, and the reformatories in which they are placed, while, to some extent, they go there voluntarily, yet are closely under the supervision of the state. Then, with regard to the matter of education, taking charge of the whole matter by the state has imposed new duties. I remember in the place in which I live that it was proposed to have a free non-sectarian system of education. The people who upheld the idea of such a system seemed to think that by educating the people you would stop, to a very large extent, the commission of crime. I would not say there has not been very considerable progress in that direction, but education in itself is not sufficient. The conditions of society do not change sufficiently rapidly. We are called upon to meet with the old conditions of contact in perhaps two forms under the system of education which is now in its infancy. Men cannot in one or two generations divest themselves of the old Adam that is in them, and reform comes slowly. Out of all the plans which are provided for the separation of children from people who have committed offences against the law, the plan of the reformatory seemed to be the best, and it was undoubtedly the best so far as men had knowledge of what was best to do under the conditions which existed in society twenty or thirty years ago ; but it was found that reformatories themselves carried with them an evil. I have visited several of them. I remember a very excellent one, so far as appearances go, in the state of Massachusetts, near Boston, in which, at the time I saw it, there were hundreds of inmates, from the very tender age of boys to the age of seventeen. One could not fail to be impressed with the regularity and order which prevailed ; still you could not fail to see that they were held as criminals. Their furtive appearance and whole manner seemed to indicate that every one of them would escape if he possibly could from the control which was exercised over him, and the effect upon the younger boys of contact with the older boys, some of whom were in the institution for some time, was admittedly bad. The statistics show that a number of them come back time and again, and it is now a question whether the reformatories do anything like the work they should do in restoring a man to the place in life of which he is deprived for a time by reason of the imprisonment which he undergoes, and the stigma attaches to him through life. It is very hard for a man who has been in a reformatory to regain his old position. People do not care to employ him. He must have established a very good record in the school if he would obtain employment at all of any superior kind. Then the tendency of the parents and the guardian is to ignore the child and allow him to go adrift and work his own way. There is a feeling not exactly of disgrace but of shame at being once or twice under the influence of punishment in the prison, that he is not to be trusted, and true his family and friends regard him with disfavour. Out of the ob-

servation of the failures of the reformatories arose in many minds the consideraton whether some better plan could not be devised of taking care of the young than the reformatory itself. Instead of congregating boys in large numbers, or girls in large numbers, whether some better plan of taking care of them could not be adopted, and out of that has grown the system which is here presented in this Bill. From my observation of boys, I am led to believe that they regard the policeman as a natural enemy. He interferes with their pleasure. Little things which seem to him to be trivial bring him within the influence of the law. I think a great many of us can probably remember when we were boys, the great freedom which a boy of fifteen or sixteen generally had. I ceased to be a boy, of course more than thirty years ago. I remember many things could be done by the boys of my time which would now bring boys under the observation of the police, and it is very natural, because civilization has grown, and the conditions of life are so different that no longer can a boy do as he likes on the streets ; no longer can he carry on his pranks with safety to the public, or without causing injury, and, therefore, it has been necessary to make laws more stringent than they were. I am often struck, when I read the accounts in the papers of the meetings of some of these societies, when the sophomores have to assert their power over the freshmen, and when the coming graduate has to show to the man below him how much superior he is. Here the young men are fitted up by the state to occupy very important positions in life, some barristers, some doctors, and yet, what would they do, if they were poor lads and their acts brought them before the magistrate. We look on them with some degree of toleration when we read the accounts in the newspapers, and think these are mere pranks of the uneasy energy of exuberant youth, thus playing off their humour upon themselves or upon others ; but if a waif were to do anything like some of the things which are reported in the newspapers as being done by students, he would soon find himself at the bar of justice, and have to answer to the police magistrate for the wrong he had committed. The main idea of this draft Bill is expressed in clause 30. It reads as follows :

Hon. Mr. ELLIS.

This Act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

That is the benevolent idea which underlies the whole of this system. As it is worked out, the boy is not brought in the public court. My heart is often pained when I see lads brought up in the court for things that seem to them trivial, and they are brought up in the same court with the drunkards and men who are almost outcasts. In the city where I live, although the magistrate is very kind, he is compelled to have these lads placed therein that way. The law provides that these boys should go before the tribunal, that it should not be a public court ; they should not be exhibited to the gaze of the people, and that the magistrate having observed what the trouble is with them, or what has led them out of the path of rectitude, should take care of them before handing them over to the probation officer, and associated with the officer is the Juvenile Court Committee composed of men and women who work without pay, who work because they are interested in the care of children, and who show by the counsel and advice which they give those children, and by the interest which they display in them, that they desire them to grow up to be good and useful citizens. I have seen cases where the children themselves, feeling for the first time the good influence exerted upon them, at once recognized the value of what is done for them, and fell in with the system as naturally as may be. There is no provision whatever, so far as I know, or at any rate, it is not an important feature of the system, that the child should be imprisoned. He is not imprisoned with other children. He is practically not imprisoned at all, but he is put under a form of observation. He is looked after, in other words, by the community when his parents have ceased to do their duty, or when no longer manifest their influence over the child, and it cannot be that the neglected or dependent child can do other than derive a great deal of benefit from such a system. I do not suppose it is impossible that every one in

this world could be saved—speaking of material salvation—but I can imagine that a great many more children would grow up into a better manhood or womanhood if the opportunity were given them in their young life to feel that they were a part of the community itself, to feel that the whole machinery of civilization, so far as they are able to observe it, is not directed against them, but that they are recognized as part of it, and that the aim of society is to give them a good place in society itself. This Act places them under a care which will be beneficial to them, and it is not the mere question of how much money the state may save, how much better it may be off because it has had so many children in these schools of detention ; it is whether you succeed in giving some man or some woman his manhood, or womanhood, and giving it in such a way that they shall become good citizens of the state, and that in a sense they shall acknowledge to the community, either by labour or by the life they shall live, the good that has been done for them. I heartily concur in the Bill. As I understood, the hon. gentleman for Montarville rather objected to it on the ground that it was beyond the powers of the Dominion parliament to bring such an Act into force ; but it does not interfere in any way with the rights of the provinces. No province need adopt the law unless it chooses to do so, and while there is considerable difference of opinion as to who shall take care of the children, and how they shall be taken care of, there can be no doubt the best way is to take an interest in them, and to show them that they can live their lives without being constantly in the police court, and without receiving punishment and without condemnation. I could appeal to the hon. gentleman of the Senate, I am quite sure, as to their observation of mankind generally, that it is far better to take a pleasant view of life, and that it is far better to see that our lives go on happily. I know that when we pass a pleasant afternoon here, without the trouble that sometimes besets us, we go to our dinners with a much better appetite than when things are different. If you make a child feel he is a part of the community, and that he is well looked after, and show a desire to get him to do right, as far as it is possible for him, there is a chance that he will grow up into good citizenship, and will not carry any stain whatever by reason of the fact that he has been in a reformatory. He will not have it said that he got out of the reformatory because merely he was a good boy while confined there. But he will be able to show that because of the kindness shown him under the operation of this law his life has been better lived, and he will be better able to take his place in society than he would with the remembrance of punishments hanging over him. No doubt when the Bill goes to committee, it can be amended, if it is thought necessary; and, looking at the measure, as it departs somewhat from the present system, I hope next year the government will so improve upon it that we will be able to pass it without any debate.

Hon. Mr. BEIQUE—I rise to say only one or two words, after the very appropriate remarks of the hon. Secretary of State in moving the second reading, and the very interesting addresses which have been delivered by several hon. members of this House, I concur entirely, and I am sure every other member concurs entirely, in the remarks which have been made by the hon. gentleman for St. John. I do not think anything can be made by prolonging this debate. It is proper, however, that some members of this House should express their opinion as to whether they approve or not of the principle of the Bill. For my part, I must say that I entirely approve of its principle. The hon. gentleman for St. John has referred us to some statistics, and has stated that he has a doubt as to whether the number of crimes has been increasing. I entirely agree with him. I think he has directed attention to the true cause of the large number of cases as being the result rather of the increase in the number of crimes under the Criminal Code ; but let us turn to the statistics regarding the penitentiaries. I have here the last report of the Minister of Justice for 1906, and I find the following statistics : From 1899 to the present time there was really a decrease instead of being an increase in persons in the penitentiary. In 1899 and 1900 it was 1,430 and in 1905 and 1906 it was 1,407. In 1901 and 1902 and 1903 it went down as low as 1,224 ; but

we can see that within these seven or eight years there has been a decrease. So that this entirely agrees with the statement of the hon. gentleman for St. John. The hon. gentleman for Montarville referred to the law as it existed in the province of Quebec. This law is not intended to interfere with the industrial schools in the province of Quebec. It is exactly on the same line. So much so that under the law of the province of Quebec it is open to the managers to release a delinquent after he has been there eighteen months, and permit him to live with his father or some relation. Therefore, this Bill is absolutely on the same line. I cannot say I would approve of everything in the Bill. Perhaps it goes too far, for instance, when it assumes to deal with persons apparently under sixteen years of age who would be found with tobacco of any form in their pockets and brings them under the operation of this law. It may be going too far, but as far as the principle of the Bill is concerned, I think it is altogether in the right direction. As was stated very properly by the hon. gentleman who has spoken, it is intended to foster philanthrophy, it is intended to create interest in children and young people with a view of saving them in life, instead of letting them grow up criminals ; to redeem them in their early years, and make good citizens of them. I do not see that the administering of such a law would add any expense to the country. All that would be required would be to appoint juvenile courts, which can be done by order in council, and taken amongst courts of magistrates or the like, and then these industrial schools which exist in Quebec, or similar schools in other provinces could be taken advantage of and other institutions could be taken advantage of for the purpose of working out the principles of the Act. My own opinion is that before long the criminal law will be amended or will be applied not only for the purpose of saving the children and the young people, but also for the redemption of older men. The law perhaps has not the proper regard for persons who may have committed a crime,who may have been guilty of an act of weakness, but who might be redeemed if more precautions were taken to deal with that first offence, and I think there is a tendency in other countries to adopt the necessary precautions for the purpose of redeeming young people and men of middle age also. For these reasons I entirely approve of the principle of the Bill, and I hope early next session the Bill will be introduced and will become law in this country.

Hon. Mr. CLORAN—At this stage I do not wish to unduly prolong the discussion, but, under the circumstances, I am entitled to say a few words on the matter. The better part of my life has been, I will not say devoted, but largely taken up with the administration of criminal justice in this country, so that I may be in a position to state views based on facts. In the first place, I must heartily congratulate the hon. Secretary of State for having undertaken to place legislation of this nature on our statute-books, whether he succeeds here, if the constitution will permit him, or whether he will force the provinces, if the constitution says they solely have the right to pass such laws. In either case his name will go down as a legislator who has attempted to do a serviceable act towards his country. It is not the first time that his name has been associated with legislation which has gone a long way to redeem social life in Canada, and to make the conditions of social life better than they might have been without his efforts.

His name is associated with the Scott Act which, although not a perfect success everywhere it has been tried, has within the past thirty years rendered noteworthy service to the community. His name will now be attached to this legislation. He tried to save the old when he was young ; now he is trying to save the young when he is old. This has been called a benevolent Bill. It is more than that. It is a paternal Bill, and in every line of it runs the feeling of the father instead of the harsh master in dealing with the boy who has committed a wrong. I have alluded to the fact—and I may touch that question first, that this legislation may not be within the jurisdiction of this parliament. I hope it will be found otherwise, because the more general the application of a law of this kind, the more effective it will be and the better the results obtained ; but we are not masters of the constitution ; the

constitution is master of our Acts and must guide and direct them. The subject of this legislation is, therefore, to be looked at from the point of view dictated by the constitution and not by what we would like to have done. We must not put ourselves in a position where our legislation could on appeal be declared ultra vires. The hon. senator from Montarville (Hon. Mr. DeBoucherville) who is one of the oldest and most capable legislators in this country, who has been Prime Minister of his province on several occasions, and takes an active and deep interest in the building up of this country on constitutional lines, as laid down in the British North America Act, has told the House that he feared this legislation would be an invasion of provincial rights. The British North America Act deals directly with this matter. Section 92 provides:

'In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next herein after enumerated, that is to say:—

The administration of justice in the province including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts.

At first sight, this proposed legislation, notwithstanding its innate goodness and the beneficial results to flow from it, appears not to be within our power, if the British North America Act is interpreted rigidly. Another subsection of the same section provides that the local legislature may exclusively make laws in relation to :

'The establishment, maintenance and management of public and reformatory prisons in and for the province.'

But I am told in answer to this, that the parliament of Canada does not undertake to build, maintain or manage reformatories, that our law will be of no avail unless the provinces undertake that work; consequently we would be passing legislation which we could not enforce without the consent of the provinces. We would be putting on the statute-book the best of laws, because the law that deals with the young is the best that can be enacted, yet notwithstanding the goodness of this law, it would be useless because we would have no machinery to enforce it. The constitution says we have no right to establish courts. That is within the exclusive jurisdiction and right of the provinces. I have tried to find a loop-hole, and, as O'Connell once said, there is scarcely a law that human ingenuity has devised that you could not drive a coach and four through. That holds good in relation to the British North America Act. Section 101 provides :

'The parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organization of a General Court of Appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada.'

The last two lines in that section give power to the Dominion parliament, in clear contradiction to section 92 of the same Act, which declares that all these matters shall be under the control of the provinces. Under this section, if it came to a conflict between a province and the Dominion with regard to this matter, this clause would enable the Federal parliament to pass this law, and if the provinces did not provide the machinery and organize, maintain and constitute courts for the carrying out of its provisions, the Dominion parliament would have a right, under this section, to establish such courts for the proper administration of its own laws. The spirit and the practice under the Act has been against it, but under the wording of that section I do not say that it could not be done. Up to the present time, the older provinces through their legislatures have the right to establish and maintain courts and to see them properly constituted. The only right the Dominion government has had with regard to these courts was to name the judges. There ended the jurisdiction, power and control of the federal authorities. If there is going to be a conflict, it would be advisable, as the hon. Senator from Montarville pointed out, to have this question settled, if possible, before next session, so that we would not be discussing a measure which might be ultra vires. It is a question which could properly be submitted to the authorities as directed by our statutes. This matter has been endorsed from one end of the Dominion to the other by the press, the pulpit and the platform. It has been approved by all classes of people, and it would be a pity if, owing to any constitutional obstacle, it should be thwarted. I

have no doubt that if the provinces were consulted they would consent to the federal government taking this matter over, because it will involve heavy expense and there is nothing in this Bill to say who shall bear the cost. We cannot say to the provinces, 'you shall do such and such a thing, and pay for it.' While on this question, I wish to point out an incongruity in the administration even of the criminal law. The constitution says that it shall be within the right of the federal government to establish and maintain penitentiaries. This results in inequalities in the administration of the law of criminal justice. Two men are arrested for the same crime, under the same circumstances, and are brought before the court. One is a man with a character that gives him a bad standing with the police, and they give him a bad name. He is sent to the penitentiary for three or five years, while his associate, arrested at the same time, and found equally guilty, but who happens not to have a bad record, is sentenced for 23 months, as is often done, so as not to send him to penitentiary, but to a common jail. What is the result? In one case the federal government supplies the funds to maintain the man in penitentiary, and it does not cost the municipality or the province a cent; but the other man who under the discretion of the judge, is sentenced for for 23 months is landed on the municipality or the province for the term of his imprisonment. There is something wrong in that. The cost of criminal justice, I hold —although the constitution does not provide for it,—should be borne by the federal power which passes the laws. Violations of those laws should not entail expense on the municipalities or the provinces. If my memory serves me right, it was a question which came up at the last provincial conference at Ottawa. Some of the provinces find it a tremendous expense to administer the federal laws and maintain the public peace. I am not aware that the premiers of these provinces succeeded in having their views accepted by the federal government, but I understand the matter was discussed. I am very sorry that they were not in a position to force their views on the federal power, because it is only reasonable and just that the laws which we make should be enforced at our expense and not at the expense of our neighbours. To come back to the point, I hold that if the provinces were consulted in regard to this matter, they would have no objection whatever to the federal power passing the law and then afterwards providing the machinery for its enforcement. It would relieve the provinces of a great deal of expense and worry. That is as far as the legal aspect of the Bill is concerned. I am not prepared to say that the Bill would be declared ultra vires, but it would be unfortunate, under the circumstances, when we have such a general consensus of opinion in its favour, to have any doubt exist as to the jurisdiction of this parliament, and I for one would like to see any such doubt removed. Allusion was made to the reformatories in this country, and especially those in the province of Quebec, and the hon. senator from Montarville took the objection that this legislation would be an invasion of the rights of the province in regard to this matter. True we have our reformatories and industrial schools, but the Bill goes a great deal further than our present law does. Our present law provides for the arrest of children who violate the law in any degree, whether by throwing a snowball on the street or stealing. When arrested, they are put in the common cells with the derelicts of humanity, and kept there for eight or ten days. Our Speaker, who was at one time acting in the capacity of a magistrate, some years ago, could speak from his own experience of the courts of this matter. It must have been his painful duty to send boys of ten, twelve, or fourteen years of age to the common jail to await trial, sometimes for weeks. It is during the first eight or ten days when they are herded with criminals of the lowest type that these children are corrupted, and that is what we must guard against. When I was in Montreal the other day, attending the court, I saw three little tots handcuffed to a big, grown up prisoner. I saw those children, little fellows about ten or twelve years of age, smaller than the pages on the floor of this House, taken out of the the black maria, the prison van. That is not a spectacle to make us proud of our civilization. The hon. senator opposite (Mr. Ellis) has told us of what occurs in St. John.

and I suppose the same thing applies to other cities. It is because the law provides no other way of dealing with these children. True, after they have been tried, it is within the jurisdiction of the judge to send them to a reformatory if they are under sixteen years of age, but they have been tried in open court after they have been in the company of criminals, and it is only then they are sent to the industrial schools. It has been intimated that in the province of Quebec we are not supplied with such institutions. We have them, and probably more of them to the square mile than in any other country in the world, kept up by voluntary contributions. I do not intend going into a discussion of the provisions of this Bill. As far as I can see, they are well adapted to the condition of things which is sought to be created by such legislation. I do not say that every word and line in it are perfect. As the hon. member from DeSalaberry said, the arrest of a young man of sixteen because tobacco is found on his person, would not be the proper thing to do in a vast number of cases. These are details which should be left to the discretion of the truant officer, or what is called here the probation officer. A great deal of paternal discretion should be exercised by the officers carrying out this law. They should be actuated by charity instead of trying to gain a salary. The younger the child the greater should be the discretion of these officers in dealing with him. From my point of view, this Bill fills a long felt want, fills a vacancy in our statutes and fills it, as the hon. gentleman from St. John said, from a benevolent and, as I say, from a paternal point of view. To some observations made by some of my hon. colleagues on this subject I cannot subscribe. A very learned and able effort was made by one of my colleagues to impress this House and country with the idea that crime can be inherited, that sin follows the blood.

Hon. Mr. SULLIVAN—That is not so—I said the tendency to crime.

Hon. Mr. CLORAN—Some of the expressions were stronger. I am very glad the hon. senator does not go so far, but I claim that not even the tendency to crime can be transferred. There is as much possibility of either crime itself or the tendency to crime actually passing from parent to child as there is of rain passing from heaven to Hades. Every human being is composed of a body with which science can deal and can trace and develop its special features, but when it comes down to the spirit side of a human being science is incapable of fathoming the difference between the two, and that is the great mistake of many learned authors; Huxley, who has been quoted among others. They are materialists. They scarcely believe that man has a soul at all. There is not the slightest doubt that diseases of the body can be inherited; that physical features can be transmitted, but show me where the mind and soul of the baby has been polluted by the wrongful conduct of its parents if you can? Every man enters the world with a soul and mind of his own and neither soul or mind can be touched by any scientific process or scientific manipulation of the facts or figures. If a tendency to crime can be transmitted, why not assert that there is a tendency to virtue also? Nobody ever attempts to make that statement, but our philanthropists always teach that there is a tendency to transmit crime to the child. Now, that would be introducing the element of irresponsibility, because if you are going to convince society that those who do wrong are not responsible because of inherited tendencies, you will destroy the social fabric. Every man is responsible for his own conduct. Take the child of a drunkard, or a thief; place him where he will not have a bad example before him, where we has good surroundings, and he will become as good a citizen as the child born in the surroundings of health, virtue and cleanliness. How often have we seen the child of a drunkard or a criminal rise to the height of great fame in all walks of life, ecclesiastical, military, commercial and financial and in the fine arts while the sons of sainty mothers and good honest fathers have become the victims of their own passions. Tell me not that it is poor food and poverty that create crime. They do not; because if that were a sound argument we ought to say that good food and clothing ought to prevent crime; but it is the experience of life to-day in every civilized country that the most trained thief, the most obdurate profligate, the most crafty murderer is well educated is well

bred, well fed and well groomed. These men have had good suroundings, good mothers prepared to sacrifice their lives for them, and who, from day to day, shed bitter tears because their children have gone wrong. If the argument is good one way it ought to be good the other way, so I hold the medical theory in this question is opposed to reason, fact and historical tradition. It is opposed to the traditions of Christianity. There was a curse placed upon man, upon his bones, his blood and his flesh, but not upon his soul. The soul is composed of two elements, spiritual and intellectual, and no matter how weak and debilitated the physical constitution may be the soul may shine more brightly probably within the poor frame than in the biggest and noblest creature so far as size and figure are concerned. So I hold that these theories should be set aside, that the object of this Bill should be carried out in its entirety, and that is to prevent children from mingling with common criminals whether they be of high or low degree; that children should be prevented from reading trashy and dangerous literature, which leads them on to deeds of what they think glory, but which are very often crimes. Take them when they commit an error in youthful life, such as a violation of municipal by-laws and care for them. Do not have them herded with criminals in our common jails. Do not place them under the influence of evil people. This Bill, if enacted, and properly carried out, will put our young population on a different footing, teach them to be self-respecting and independent, to be men instead of slaves of their own growing passions. On the whole, I hope this legislation will soon be placed on the statute books of our country, whether those of the Federal Parliament or of the provincial legislatures. I once more, in the name of the fathers and mothers of this country who have children going wrong, and who are unable to control them, thank the hon. Secretary of State for having given them an opportunity to express their views in regard to this matter and giving them the hope that their boys and girls will be looked after by the state when they are unable to do so themselves.

Hon. Mr. CLORAN.

Hon. Mr. ROSS (Middlesex)—My only excuse for troubling the House for a moment on this question, is the invitation of the hon. Secretary of State for an expression of opinion from members of this House on the Bill now before us. After 24 years experience in the legislature of Ontario, where this subject has been dealt with, and the history of which furnishes a sort of outline of the evolution of the treatment of juvenile offenders, I may be able to offer to the House the experience of our province on this question. I might say at the outset, however, that it is very gratifying—it is to me and it must be to the Secretary of State—to find such unanimity of opinion in regard to the provisions of this measure. While other matters are contentious and are debated with some degree of feeling, and sometimes of hostility, there seemed to be but one opinion in the House as to the importance of this Bill and the humane and benevolent purpose which it is proposed to serve. Referring to the history of the province of Ontario, I may say that we began to deal first with juvenile offenders early after confederation, and for that purpose there was established in the little town of Penetanguishene a reformatory for boys, a reformatory that was sometimes filled almost to overflowing, its capacity being between two and three hundred. The conditions of committal to that reformatory were indictable offences against the laws of the province, or offences against the general criminal law of the land. The objections that have been taken to the working of that reformatory after some years of experience were three-fold. Firstly it was found that boys committed to that prison were taken by the police or by the constable who arrested them, and locked up, sometimes in company with other criminals, prior to their trial. There was laid upon them at the very outset of their career a criminal brand. They were next tried at the police court in the full blaze of day, and their names would appear in the reports of the police-court in the public newspapers next day. That was a second intimation to the public that here there was a serious offence committed by boys, say under sixteen years of age. Pending their transmission to the reformatory they were locked up in the county jail, and there they associated,

sometimes inadvertently it may be, or from the absence of proper classification, with criminals. So that at these three stages in their career they were associated sometimes with hardened criminals, and the effect upon a child at that stage was necessarily of a hardening character. When they were sent to the reformatory, of course they were not placed under lock and key as an ordinary prisoner in jail or penitentiary; they were committed for a period of years, but under strict supervision, a supervision which still further impressed upon the boy the fact that he was a criminal, and although great care was taken for his instruction in the ordinary course of public school study, and although there were chaplains to give him the necessary moral instruction, and although he was supposed to be taught there, or an effort made to teach him, still, during the term the boy felt he was a prisoner, that he had some at least of the characteristics of the criminal, or was so regarded, and when he returned to his companions he was earmarked in a similar way, so that he, to a certain extent, was ostracised, or felt he was ostracised, from the companionship of his former days. In all the stages from his first committal to jail or to the close of his career at the reformatory, there was more or less of the brand of the criminal upon him. Now, those who are interested in the reformation of boys came to the conclusion that that course, though punitive, was not reformative, and we found by experience, sad to say, that many boys who had served a course say for three years in the reformatory had merely entered upon a career, and some of them rounded up at the central prison. It became a conviction then upon the government of Ontario, and upon others interested in the reformation of youths, that that process was not an effective one. The next stage in the reformation or evolution of the treatment of juvenile delinquents was the passing of the Industrial Act of 1882, an Act which I may say was brought to the attention, or the principle of which was brought to the attention of the government or the legislature by the mayor of the city of Toronto of that time, Mr. W. H. Howland. By the Industrial Schools Act, provision was made, the reformatory still going on, that another class of juvenile offenders should be reached, and that a different mode of treatment be adopted in the case. Those who were not reached by the Act providing for the establishment of a reformatory were the classes which I am going to mention. The classes were as follows:

(a) Who is found persistently begging or receiving alms or being any street or public place for the purpose of begging or receiving alms; or who is without settled home.

(b) Who by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutory parental control and education, or in circumstances exposing him to lead an idle and dissolute life.

(c) Who has been found guilty of petty crime and who in the opinion of the judge or magistrate before whom he has been convicted, should be sent to an industrial school instead of to a jail.

(d) Who, being a child between ten and fourteen years of age, has been expelled from school for vicious and immoral conduct.

These are the four classes with which it was proposed to deal under the Industrial School Act. Those who are truants from the public school were somewhat numerous. Boys do not always like the restraints of a public school, and there were wandering around the streets of our larger cities, a number of lads, who by virtue of being absent from school were sometimes led into immoral habits, and were preparing themselves for being criminals under the Criminal Code. Now, the industrial school was a different institution entirely from the reformatory. In the industrial school, provision had been made by the government to provide the board of trustees with a large area of land where the boys could be employed in market gardening and farming in a light way. It was felt that outdoor recreation of that kind which was not altogether recreation but light labour, was more disciplinary in its effect, and boys were encouraged when they entered the school to engage in pursuits of that kind. Moreover, the school has none of the characteristics of the reformatory. The very name suggested its character. It was not a reformatory on the face of it, although it was one in fact. It was a school, and to guard against it being a place of restraint for boys, the school was practically under the control of the trustees, the one we established first, of the public schools of Toronto. The superintendent was appointed by the board of trustees. All the teachers and staff were ap-

pointed, so that it was removed from the category of being a school for delinquents such as the reformatory was. There was also provided training for the boys in calisthenics. The school was made attractive in that sense. They were encouraged to form themselves into little bands for their own amusement. There was private instruction for them in light trades, such as tailoring and type-setting, and altogether it was made as attractive and as easy as possible. It was visited by members of the board of trustees, members of parliament, clergymen and others, and the surroundings of the school were made as much like a home as it was possible to make them. It was found satisfactory in this respect at all events, that seldom did boys run away from school, although it was in an open field, and no restraint apparently upon them. The surroundings seemed to be so agreeable to them that very seldom did boys run away. If they ran away, of course, pains were taken to return them to the school, and uniformly with success. That industrial school was established by Act of parliament in 1882. The school I believe was opened in 1887, and it has now been running for twenty years, and perhaps about a thousand boys have passed through the institution. When it was found after a period of discipline, say of three months or six months, or longer depending upon the character of the boy, an effort was made by the officers of the school to find for such a boy a foster home, and the school was slowly depleted in that way, the boys going from the school to fosterhomes, and I am very happy to say that the report of the superintendent shows that the boys sent to fosterhomes turned out very well on the whole. Of course there would be a small percentage of offenders in such a class, as there would be I suppose if the boys were selected from a better class; but the success of the school has been most gratifying, and has encouraged the government to extend its influence in other quarters. In regard to the religious instruction of the school, both Protestants and Catholics were under the same roof, although they had separate chaplains. Latterly it was found desirable that they should separate, and through the offices of the Archbishop of Toronto a school was established on the opposite side of the city for the education of Roman Catholic children on similar lines precisely to those attending the other school, the Victoria or the Industrial School. The attendance at both schools is about 320, and the care and instruction in the schools were as satisfactory in one case as in the other. Now I have come to the industrial school side of the question, which dealt with larger children that were of school age. The next step we found necesary to take was to reach out for children even younger than those who were running the street, and who were unfit to send to an industrial schol, and in 1893 an Act was passed called 'An Act for the protection and reformation of neglected children.' It is generally known as the Neglected or Dependent Children's Act, or for short, as the Gibson Act, for it was in charge of the Hon. Mr. Gibson then. This Act was based largely upon an Act passed by Australia, not the Commonwealth, but one of the provinces of Australia, and this Act went a little further than the Act in regard to industrial schools, although when I read the conditions of the Act you will see that in many respects they were similar :

(2) Any constable appointed or any chief constable or inspector of police may apprehend without warrant and bring before the judge as neglected any child apparently under the age of fourteen years if a boy, or sixteen years if a girl, who comes within any of the following descriptions, namely:

(a) Who is found begging or receiving alms or thieving in any street, thoroughfare, tavern or place of public resort, or sleeping at night in the open air ;

(b) Who is found wandering about at late hours and not having any home or settled place of abode, or proper guardianship ;

(c) Who is found associating or dwelling with a thief, drunkard or vagrant, or who by reason of the neglect or drunkenness or other vices of its parent or guardians is suffered to be growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life;

(d) Who is found in any house of ill-fame or in company with a reputed prostitute;

(e) Who is found destitute, being an orphan or deserted by its parents or having a surviving parent who is undergoing imprisonment for crime.

That Act was designed to reach down to small children and in some cases it was found necessary to take children from homes of drunken parents as early as six months or a year of age. Under this Act provision was made for the organization of childrens aid society and there stands a very flourishing branch in the city of Ottawa

under the presidency of Mr. Scott who informs me that during a term of that society, they have already settled between 500 and 600 children. That is an extraordinary record, and shows the activity and philanthrophy of the members of that society; but one of the provisions of this Act, and a fundamental one was under the childrens aid society there should be what is called a children's shelter, that is, a home for children who are in this condition or who are reckless and uncared for to which they should be taken in the meantime and who should be nourished if they were too young to care for themselves until a foster-home could be provided for them. That was one of the fundamental principles of it, and another fundamental principle was the appointment of an officer, by the Ontario government, who should be superintendent of these homes, and who should seek to organize them in different cities and who should be a sort of foster parent. We were fortunately successful in getting an officer, Mr. Kelso, who seemed to be born for this work, and whose ability, as much as anything else, contributed to the success of this scheme. In his last report he says there have passed through his hands since his appointment about thirteen years ago over four thousand children. About 2,000 of these have gone into foster homes, so many from the city of Ottawa, so many from Peterborough, so many from Hamilton and so many from London and so on, so that we have with this philanthropic drag net, if I may call it so, rescued from the slums and streets and drunken associations in the last thirteen years about 4,000 children. Here is a remarkable effect of these homes. I referred to the Penetanguishene reformatory. That reformatory, when these homes were established, had a population of about 250. Year by year the attendance at that reformatory was being reduced, and about 1904, say three years ago, the attendance had lowered to something below one hundred. It was thought then that we could, if we used the machinery of the industrial schools, practically abolish the reformatory. It cost us from $30,000 to $40,000 a year, and under the advice of Mr. Kelso, the matter was considered by the government and he advised that he should be empowered to get a remission of sentence of those boys from the Minister of Justice, for the Minister of Justice only could commute the sentence, and that he be allowed to find foster homes for them. He went to work with great alacrity, and, consequently, two years ago or thereabout, we were able to close the reformatory. We reduced the supply to our industrial schools, of juvenile delinquents and we reduced the supply of neglected and dependent children and now there is no reformatory. Let me point out one or two advantages of the system. In the first place, children who are taken to a shelter, or boys who are sent to an industrial school, are taken charge of by the superintendent of neglected children. That is to say, when any officer or constable finds a boy is wandering the streets, that he has no home, he is taken charge of and sent to a shelter. That officer is bound to find him shelter until he can be brought before a judge. The trial is private. The witnesses are examined in private, and until he can be sent to an industrial school he is at one of those shelters and kept away from criminals altogether. That is one of the great features of the system, so that the boy himself and all who are concerned in his history or in his career feel that he has been treated as a neglected child, not as a criminal child and the effect of these two treatments on this child's mind and the public mind is in my opinion very great. And then as to the smaller children taken from various homes, these are taken care of and provided for in the shelter by the government of Ontario. We have bought premises for that purpose and have employed a matron, and these children are as carefully attended to as they can be in the ordinary homes of the country, and, as soon as they are of age, foster homes are found for them and this other curious circumstance exists that we are unable to find as many children as there are applications for by those who wish to take charge of young boys or girls, in order to bring them up as members of their families. There seems to be a demand for those children. In 1903 the Children's Aid Act was passed, but that was supplemented by very important legislation of the Dominion of Canada. In the province of Ontario we can only deal as a government

in regard to offences committed against Ontario law. We had no authority to appoint an officer to deal with those indicted for indictable offences, or who were brought under the Criminal Code. So an Act was passed in 1904 by the Dominion parliament respecting the arrest, trial and imprisonment of youthful offenders. Supposing a boy under fourteen or a girl under sixteen years of age, is charged with some offence, the trial is to be without publicity. The Act says:

> Shall be kept in custody separate from older persons charged with criminal offences and separate from all persons undergoing sentences of imprisonment, and shall not be confined in the lock-up or police-station with older persons.

We could not deal with that by the provincial government. With regard to offences against the laws of the provinces, the police officer would naturally bring those guilty of petty larceny and crimes of that kind before a police magistrate. The Dominion government passed an Act providing that young offenders, of the age of fourteen for boys and sixteen for girls, should be kept separate from other criminals, and they did more. They provided for the trial of these juveniles before a judge in a private way, without publicity. The officer in charge of neglected and dependent children appointed by Ontario should be sent for. He should be present at the trial, and if, in his judgment, it appeared that that child was an offender that could be dealt with by him as the officer of the province of Ontario, he would take the child in charge, find for it a foster home, or if that was not convenient, the child would then go to an industrial schol. The whole policy of the legislation of Ontario has been to try and keep the child out of the ordinary ruts, out of the ordinary course of criminal offenders, and in that way to preserve him from being polluted and tainted by criminals of a harder character. Now we come to the next stage, towards where we could not advance without Dominion legislation and that was to secure probation officers who would take charge of young lads and girls who were committed for indictable offences under suspended sentence, and I have here from Mr. Scott a statement which shows in his experience the necessity for the legislation which is provided in this Bill. He says:

> The chief difficulties which the Ottawa Society has encountered in endeavouring to carry on this work under the Dominion Act of 1894 are as follows :
>
> 1. At present the child can only be allowed out on suspended sentence and if the child is not doing well or endeavouring to obey instructions it cannot be brought again before the court without laying a new charge.

Hon. gentlemen will understand that by the appointment of the probation officer the process would be this: the child is found guilty, but is discharged on suspended sentence, and goes to its own home. The probation officer goes to the home with the child. The parents are seen. The guardian is seen, and they are told: 'Well, now, if that child behaves himself—he is under your care, but I am an officer of the law appointed to look after him, and as long as he behaves himself, the sentence will not be enforced, but if he does not behave himself I will take him away from you and put him in an industrial school or find a foster home for him; and the probation officer, under this Bill, would have the right to visit the child from time to time, watch his conduct, and by that additional surveillance, the child would feel his liberty was worth something to him, and his parents would feel that the honour of the child was worth something, and between the three parties, the parent, the child and the probation officer, the country would be spared the expense of educating that child in an industrial school, and the child would be under such restraining influences as possibly would lead him to a reformed life. Then, Mr. Scott further says:

> 2. The probation officers have strictly speaking no legal standing in visiting the homes and no power to go there if unwelcome. In the great majority of cases their efforts are welcomed by parents and children alike but occasionally their good offices are rejected and in such a case under the Act of 1894 nothing more can be done. The present Bill gives them a standing and authorizes this part of the work.

The children's aid societies appoint what they call probation officers. They are volunteers, and if they are paid at all, they are paid by the society, but these officers have no legal standing. They cannot say: 'We will take the child away.' They have no power to do that. It is beyond their reach, but if that probation officer had a legal standing, then he could say to the child: 'If you don't behave yourself you

will be taken away,' so that the probation officer who is proposed under this Bill is an officer having a legal standing, and in that way he can carry out the judgment of the court. That is the key, if I understand the Bill aright, to its whole operation. It uses the machinery of the province and in no sense contravenes the local jurisdiction, as I understand it. In fact, I think, the Bill distinctly says that the rights of the provinces are not to be interfered with. Clause 31 reads as follows :

Nothing in this Act contained shall be construed as having the effect of repealing or overriding any provision of any provincial statute relating to neglected or dependent children; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of the Criminal Code, an indictable offence, comes within the provisions of a provincial statute relating to neglected or dependent children, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child.

I think there is no danger of collision, and there need be no danger of collision between Dominion and provincial authorities in regard to this matter. Let me emphasize again the importance of this Bill in regard to that particular feature of it. The weakness of our case—and we cannot go any further under the provincial law—has been the want of the power to appoint a provincial officer, because a probation officer will take the supervision of such children at their homes under suspended sentence, and will reach them there, and if their conduct is not satisfactory will transfer them to a foster home or an industrial school. That this matter has been deemed very important is shown by the statement made in the last report of the prisons and reformatories of the province of Ontario. In this report, I find this statement :

The Prisoners' Aid Association of Toronto recently sent a delegation there, the members of which were courteously received by the hon. the Minister of Justice. They asked that a Bill be introduced at the present session of the Dominion parliament, authorizing the Lieutenant Governor in Council in each province of Canada: 1. To appoint one or more probation officers for each city having a population of over ten thousand inhabitants, and one probation officer for each county in the province. 2. The duties of these probation officers, to be defined and outlined in an Act passed by the provincial legislatures authorizing such probation officers, under the direction of a provincial inspector of prisons, to take charge of prisoners committed to their care by any county judge or police magistrate having jurisdiction in such province. 3. That a county judge or magistrate may, upon conviction of a prisoner, impose sentence and afterwards commit such prisoner to the care of a probation officer by ordering the execution of the sentence to be suspended for such time and such conditions as the court prescribes.

So that what is proposed in this Bill is practically the recommendation of the Prisoner's Aid Association of the city of Toronto, an association which has been exceedingly active in prison gate reform, and finding homes and work and employment for persons discharged from the central prison. This evolution with regard to juvenile offenders disposes of one or two things; in the first place, it disposes of the fallacy which existed in this country some years ago, and which, unfortunately, exists in some countries still, namely, that juvenile offenders should be treated as criminals. That is not the way to reform children. Secondly, it settles that industrial education is a means to the moral reformation of boys and girls. The old saying that Satan finds some mischief still for idle hands to do, is the crystallization of the idea that idleness begets delinquency, and in our industrial schools idleness does not prevail. Moreover, while there is a good deal of work, there is a good deal of recreation. Then it is based upon the fundamental principle that a home for a child is the best place in which to develop all his powers, moral and intellectual, and for that reason the efforts of the Ontario government have for years been directed to removing children to foster homes, believing that in the foster home even, the child is better than in an industrial school. Now in case of removal of the child to a foster home—that is the the home of a person who has only a sentimental or philanthrophical interest in his welfare—has a tendency to make the child's home life better, and the probation officer serves that double purpose. First his visits to the home of that child is a warning to the father and mother that that home be raised to a certain standard ; that viciousness cannot prevail there or the child, who may be dearly loved, must be removed. Consequently it involves this other fact, that the home of the boy's parents, if made as it ought to be, is better for him than any other home, and so it serves the double purpose of reforming the child and improv-

ing the home and building up that fundamental element in the prosperity of every advanced nation. I must not take up the time of the House further only to say that, so far as I am individually concerned, I am satisfied this Bill will serve a very useful purpose. I do not know that the hon. Secretary of State or this House could devote its time better than to study the whole question of juvenile offences. I do not believe we are far behind. The most advanced state of the neighbouring union that I know of is Massachusetts, and, perhaps, Illinois, and one or two other western states, but if this Bill is passed, as I hope it will be, next session at the latest, then Canada will be in as advanced a position as Massachusetts. I have met delegates from that state, and those concerned in the operation of the law regarding juvenile offenders, and I remember how they emphasized the matter of the probation officer, and, if I understand anything about the question at all, I believe that this is the key to the situation, and the early operation of the Bill in that regard will have a very beneficial effect.

Hon. Mr. CLORAN—Is the hon. gentleman in a position to give the country the state of the children after they leave these homes as far as ability intellectual and moral is concerned ? Has he the statistics under his hand ?

Hon. Mr. ROSS (Middlesex)—I think they could be got, but this we do know that the children in the foster homes go to school with the other public school children. They are under indenture to remain until they are at least eighteen years of age. We know that many of these children have grown up in comfortable foster homes and have been married from them. We have followed them that far. I am not speaking of all cases, but in general the records of these foster homes and the characters of the children are most satisfactory.

Hon. Mr. CLORAN—That proves there is no tendency to crime.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned until to-morrow at 11 a.m.

## SENATE.

OTTAWA, Thursday, April 25, 1907.

## MORNING SITTING.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

## DRY DOCK AT ST. JOSEPH DE LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Does the government know that the dry dock at St. Josepsh de Lévis is of dimensions too narrow to permit the entering therein, in case of need, of vessels such as the Empresses of the Canadian Pacific Railway Company, or of the new turbine vessels of the Allan Company ?

Is it the intention of the government to obviate the inconveniences for the necessities of navigation which may result from the existence of a dry dock which is too small and useless, by the enlargement of the existing dock, or by the construction of a new dock of such dimensions that the largest vessels may enter it?

If a new dock is built will it be built in the suburbs of Quebec or of Lévis, at a place which is accessible to the largest vessels, even to those whose draught of water does not permit them to ascend the river above Quebec ?

When does the government propose to commence these works ? Will it be this year ? Next year ?

Hon. Mr. SCOTT—I have been unable to obtain the answer in the form I wished to. The hon. gentleman will recognize that the government appreciates the necessity of doing something, because the answer given to me is that the whole question is now engaging the attention of the department. It is the only answer I am able to get from them.

Hon. Mr. LANDRY—Perhaps the hon. gentleman could give me a further answer to-morrow.

Hon. Mr. SCOTT—The hon. gentleman's question may have stimulated the action of the department. That is the only interest I can gather from it ; so that he has accomplished his purpose by putting the inquiry on the paper. I have asked for a seriatim answer but cannot get it. They say the department are engaged in the matter and are giving it attention.

Hon. Mr. LANDRY—That would do as a general answer to any question I might put on the order paper.

Hon. Mr. SCOTT—I am sorry it is so.

Hon. Mr. LANDRY—Does the hon. gentleman think we can obtain an answer before prorogation ?

Hon. Mr. SCOTT—If I can get anything better I will be only too glad.

Hon. Mr. LANDRY—Then we will let the question stand.

## CORRESPONDENCE RE PETAWAWA CAMP.

MOTION.

Hon. Mr. LANDRY moved :

That an humble adress be presented to His Excellency the Govenor General; praying that His Excellency will be pleased to cause to be laid before this House a copy of all the documents and of all correspondence whatsoever relating to the choice of, and the taking possession of the lands now known under the name of the Petawawa Military Camp.

Hon. Mr. SCOTT—The correspondence is very long. I signed a return for the other Chamber, and I do not know whether they propose to print it. I will communicate with the Militia Department and see if they kept a copy of it, so that we can have it here. It contains a good many folios, and we may not be able to get it in time.

Hon. Mr. LANDRY—I did not expect to have it this session, but if we could get a copy of it from the House of Commons it might be produced.

Hon. Mr. SCOTT—I fancy we can get a copy ; at all events, I will make inquiry.

Hon. Mr. LANDRY—It was moved for in the House of Commons.

Hon. Mr. SCOTT—Yes; I think Mr. Fielding laid it on the table yesterday. I signed the memorandum, and possibly they may have a typewritten copy ; if so, I will bring it over.

The SPEAKER—Will the motion be granted ?

Hon. Mr. SCOTT—Yes, if it can be obtained ; at all events, the motion will be carried.

The motion was agreed to.

## DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I desire to ask the hon. Secretary of State if he has any information to give us with reference to those returns to which I called his attention yesterday, one with regard to foreigners who have been engaged in the military service—an order passed in the beginning of March ?

Hon. Mr. SCOTT—I have just received a letter from the deputy minister. It does not give the returns. He says, with reference to the order of the 19th February last for a return regarding the employment in the militia of persons from the British isles, that it was necessary to call for a return from all the permanent corps stations. He states that the work was put in hand last month, but it was quite evident it could not be completed before prorogation, and it was decided to finish it for next session. He says that it was necessary to use a wide carriage typewriter for this return, and it would interfere with the work of the department if they used the wide carriage machine in the office. He states that this is the only return that has been ordered this session that has not been brought down, and he hopes there is no objection to allowing it to stand till next session.

Hon. Mr. LANDRY—That return was ordered in February. I never knew they wanted a special machine to prepare it, but I observe by the record that they must use a special machine. What is the name of the machine?

Hon. Mr. SCOTT—He says : 'It is necessary to use a wide carriage typewriting machine for the return, and to use our machine for the return to the exclusion of other important work would interfere with the work of the department.'

Hon. Mr. LANDRY—I suppose they might increase the width of the machine at the beginning of next session.

## A QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—I rise to a question of privilege. A very lengthy document has been placed in my hands in regard to the statement I found it necessary to make in answer to an argument used by the hon. gentleman from Lincoln during the discussion of the Labour Bill, known as the McMullen Bill throughout the country. A portion of the trades unions of the country has taken exception to my remark.

Hon. Mr. POWER—Is this a question of privilege ?

Hon. Mr. CLORAN—Yes; I have to correct a statement I made on the floor of the House. It is a personal matter, and I do not want my words to remain on the records of this House if they are not correct. Is the hon. gentleman from Halifax ready to object to that? He will take first prize before the end of the session as an objector in regard to matters of this kind.

The SPEAKER—Will the hon. gentleman proceed to state his point as succinctly as possible?

Hon. Mr. CLORAN—I am doing so, but not if the hon. gentleman is objecting. I have received the following communication:

Canadian Typographical Union, No. 1.
Ottawa, April 24, 1907.

Hon. Senator Cloran.

Dear Sir,—The attention of Canadian Typographical Union, No. 1, Ottawa, has been directed to your statement in the Senate, in an interruption in the speech of Hon. Mr. Gibson, while dealing with what is commonly designated the McMullen Bill, in which you are quoted (vide Senate 'Hansard') as saying:

'Is the hon. gentleman aware of the fact that that particular lodge is in local rebellion against unionism, and is not in good standing with the trades unions in Canada?

'Hon. Mr. Gibson. I am not, and I do not think it is, because it is called Typographical Union No. 1.'

'Hon. Mr. Cloran. It is in open rebellion against trades unionism in Canada.'

Our union takes strong exception to this statement, and believe it could only have been made by you after having been intentionally so informed by some of the many paid agents of American unionism with which this country abounds for the present; men whose chief interest in maintaining continued affiliation with Americans of Canadian trades unions is largely to be found in the money they draw, and the opportunity it affords for personal ends. In dealing with politicians their stock in trade argument, when speaking of Canadian trades union,—that is unions which refuse further to maintain a connection with a foreign body or bodies whose policy and interests are not only not identical with the best interests of Canadians but foreign to that spirit of national dignity and independence so aptly expressed and stoutly maintained by the political leaders and party to which you give your adherence and support—is that they are not recognized as within the pale of trades unionism at all.

I am instructed to say, hon. sir, that Canadian Typographical Union is not in open rebellion against trades unionism in Canada, nor even hostile to those of our fellow Canadians who have not seen fit to assert their independence, but we, in common with the National Trades and Labour Congress, with affiliated unions numbering some 12,000 members; the National Textile Workers, some 25,000; the Provincial Workmen's Association, some 18,000; and many locals scattered throughout Canada, with a large membership, maintain the right to take exception to or approve the representations made to our parliaments or public men as being the opinion of Canadian trades unionism, by men whose policy and opinion are often framed for them by some executive officer in some city in the United States. Yet such is a fact to-day in Canada. To say the least our expression of opinion should not be offset by such a bald statement as made by you.

In conclusion, hon. sir, let me say, that our union consists of members who have withdrawn from international unionism, all of whom are foremost in the cause of trades unionism, and the interest of Canadian labour, therefore it is obvious that our union is not 'in open rebellion against trades unionism in Canada.'

We hope and trust, hon. sir, you will take an early opportunity of removing the impression cast upon our union, in the Senate by the remarks referred to, which we do you the justice to believe that you were misinformed, and did not do us this injustice intentionally.

I am, honourable sir,
Your obedient servant,
CHAS. G. PEPPER,
President,
Canadian Typographical Union, No. 1.

I may state in reply, that this assumption is altogether without foundation. I was not so informed. I made the statement on the strength of the reports published in the public press. I am prepared to admit that I was partially wrong, but not wholly so, in saying that this special union, which separated only lately, in the past 12 or 16 months from the International Union, was in open rebellion against trades unionism in Canada. I should have said it was in open rebellion against international unionism. That statement I will stand by. I was wrong in stating that it was in open rebellion against trades unionism in Canada and I do not wish that statement to be perpetuated on the records. It is not according to the fact that is the only statement I have to make, and I hope it will not be objected to by the hon. member for Halifax.

Hon. Mr. LANDRY—It is prompted by Pepper.

Hon. Mr. GIBSON—I objected to the hon. gentleman's statement, because I knew at the time he made that statement that it was inaccurate with respect to the Typographical Union of the city of Ottawa.

Hon. Mr. POWER—Order, order.

Hon. Mr. GIBSON—I am making the statement. I want to give the hon. gentleman credit for being manly enough to admit he was wrong.

The SPEAKER—There is nothing before the House.

THIRD READING.

Bill (113) An Act to amend the Post Office Act.—(Hon. Mr. Scott.)

THE DEPARTMENT OF MINES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (139) An Act to create a Department of Mines.

He said: About the year 1854, United Canada created what was then called a Geological Survey branch. A very distinguished man in those days was put at the head of it, Sir Wm. Logan. It had a comparatively small staff, and the annual vote for its support was limited to $50,000 a year. Among other duties, the officials were required to engage in was that of ascertaining the mining capabilities of Canada. However, the class of men who have been from time to time appointed in the Geological Survey branch regarded the geological formations as being much more important than the mere discovery of mines, and as hon. gentlemen will recognize, and the whole country will admit, that so far as the discovery of mines in Canada is concerned, the Geological Survey Branch have not been a success. Our mines, as a rule, have been discovered by accident, by persons who were non-professionals, and not then engaged in looking after mines, but simply going along casually, kicking up the sod beneath the foot, or digging into the ground for some other purpose, they discovered minerals. I remember perfectly well that some time ago the Geological Branch stated that so far as what is known as western Ontario—that is the section of country between Lake Ontario and the Manitoba boundary—that gold could not be found, that it was not the proper stratum for gold, and that gold did not exist there. That theory was found to be fallacious; I merely mention it as an illustration.

Hon. Sir MACKENZIE BOWELL—What part of the country does the hon. gentleman refer to?

Hon. Mr. SCOTT—I am speaking of the country between the Lake Superior and the Manitoba boundary. For years and years I remember the Geological Survey officials announced that that section was not in the gold strata, and therefore that it was idle to look for gold. We have found that that statement was fallacious, because gold has been found in very many places lying between the Manitoba boundary and Lake Superior, and I might refer to other parts of Canada. I mention those facts simply to show that the study of geology overshadowed the more practical one of ascertaining whether mines were to be found in any part of Canada. Such study required, no doubt, a higher class of men and these men have given most valuable reports from year to year on the various geological formations which exist in Canada, and they have been recognized, not only in Canada but elsewhere, as worthy of the chief of the Survey, Sir Wm. Logan. It has been decided to separate the Mines Branch from the Geological Branch. That is the object of the Bill. It practically repeals the Geological Survey Act, and re-enacts the provisions in this Bill. Some of the clauses of the measure, which we can refer to in committee, are in reference to the establishment of a mining branch. The Geological Branch and the Mining Branch will be attached to the Inland Revenue Department at present, and the same minister will be at the head of all. It has been found that the Interior Department, particularly since the development of the Northwest, is entirely overloaded. It is an immense department, and it is almost impossible for one man to practically administer, and up to a comparatively recent period the Geological Survey Branch was attached to the Department of the Interior. The Department of Indian Affairs, which is a pretty important department also, has been attached to the Interior Department, and therefore it is considered in the interests of the several departments that a better division should be made, and so the Geological Survey Branch and the Mines Branch will be attached to the Department of Inland Revenue, and it is hoped therefore that the question of mines, where they exist, and the proper mode of developing, and the reports on mines, whether they are really paying, can be more successfully administered than they have been in the past, because I think my statement a few minutes ago, that we are not indebted to the Geological Department for any of the valuable discoveries in connection with mines, is quite correct. It has been rather looked

upon as being the Department of Geology, and, therfore, it will be of value if we have scientific men who can report to the public whether mines that are from time to time discovered, and that are announced with large headlines in the public press day by day, are really mines worthy of consideration. There must be millions of money going into mines at the present moment. Take the Cobalt region and the region to the north of that, the public no doubt are investing in mines for which they will probably never get a dollar. It would be most valuable if we could have an official who would report upon such discoveries and whether the mines were worth developing. On the mere finding of silver, or of rocks that silver and gold are usually to be found with an excitement arises, and very glowing descriptions are published, and the public are invited to subscribe. The capital is placed at a million dollars and shares are sold at five or ten cents, and the gambling spirit of the age is developed by the temptation which one sees day by day. You read those advertisements and you are apt to be carried away and say: 'Well I will chip in fifty or a hundred dollars, which will not be much to lose,' and it is lost all the same, because with the large capitalization and the small returns that come in, hon. gentlemen must recognize that these investments as a rule have not been paying. We have all more or less been bitten by the glowing terms in which the advantages of the mines are described in the prospectuses which have been issued from time to time, and it is hoped by the organization of the Mining Branch that we may have a reliable mineralogist who may be called at any time to make a report that the public will have the benefit of, a disinterested report that every one could read, and be guided by. It would save the loss of many millions of dollars, particularly just now when the mining craze is on, and so much is invested. Money is tight; and why? Because it has been thrown away from more legitimate industries. The deposits from the banks are being rapidly reduced. The banks are charging one-half to one per cent more than they were a month ago, all due in my judgment—I may be wrong—but it seems to me it is due to the speculative craze that seems to have seized the people, tempted by the glowing and attractive advertisements that appear from time to time.



I say that, as a practical question, it will be of considerable value if we could have a branch in the public service at the head of which are men who from time to time can be called upon to make a report upon the particular section of country, it may be for copper, silver or gold, and that those reports will be free and open to the public.

Hon. Mr. LANDRY—I suppose now gold, silver and whisky are all in the same department?

Hon. Mr. LOUGHEED—While I most heartily approve of the organization of a Department of Mines, I fancy the public will scarcely experience all the advantages from it that have been so graphically described by my hon. friend. If he for one moment conceives that it will have the effect of stopping stock gambling in mines, he certainly will lose a lot of that comfort which he seems to be enjoying in anticipation. My hon. friend has that happy temperament which enables him to extract sunbeams from cucumbers. So far as the public is concerned, I cannot see any particular advantage to be derived from this particular branch of the government service. The gentleman who will preside over this department will have very much the same experience as those who have presided over the Geological Department. Mineralogists as well as geologists have always been at war with nature, have always conceived that nature should have distributed its precious metals according to particular theories they have laid down, and we have always found that conflict existing, and it will probably continue to exist. I should like to know why this department is to be attached to the Department of Inland Revenue? Is it on account of the personality of the present minister, who represents what might be termed the mineral province of British Columbia, or will it be moved from time to time to other departments, as the personality of the minister may determine?

Hon. Mr. SCOTT—Under the Act, the Governor in Council can attach the Mines Department to any branch of the public service. Probably Mr. Templeman, coming from a province noted for its mines, may be more familiar with the subject than other ministers would be, but it is not necessarily attached to that department, and may

or may not be attached to some other department in future years. The Geological Bureau and the Indian Department have been moved about, but for many years have been connected with the Interior Department.

Hon. Mr. LANDRY—I suppose it is not attached to the person, but to the department ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—If Mr. Templeman should go away, the Mining Branch will not follow him ?

Hon. Mr. SCOTT—Not necessarily.

Hon. Sir MACKENZIE BOWELL—When we go into committee on this Bill, there are some points as to the practical working of the measure to which I desire to call the attention of the hon. minister. The results which he expects to follow from this measure are, to my mind, couleur de rose in the light of practical experience of every one of us who has paid any attention to the reports of the Geological Department. In justice to the late Dr. Selwyn, I may point out that he made reports frequently of the character to which the hon. gentleman has called attention. I never knew, however, that he denied the existence of gold in Ontario. He reported that while gold existed he had grave doubts as to whether it existed in quantities to justify the expenditure of any large amount of money. In many parts of Ontario I know that his prediction has proved to be correct.

Hon. Mr. FERGUSON—My hon. friend the Secretary of State seemed to reflect somewhat upon the officers of the Geological Survey because, in the past, they had not been the happy discoverers of mineral wealth. It would seem from the observations the hon. gentleman has made that possibly he and the government think that the only orthodox way of making a mineral discovery is through some officer of the government. I do not suppose there is anything in the Bill as far as I have looked into it—to make it a penal offence for any other person to make a discovery. It has happened before; in fact it has been almost invariably the case that the great discoveries have been made by accident. The silver mines of Bolivia were discovered by a herdsman who was chasing his goats up a hill and who seized a branch of a small tree to assist in his ascent which was uprooted and the earth came with it, and disclosed a mass of silver beneath it. By accidents of that kind great mines have been discovered and will always be continued to be found notwithstanding anything which may be found in legislation of this character.

Hon. Sir MACKENZIE BOWELL—The coal fields in Nanaimo were discovered almost in the same way.

Hon. Mr. FERGUSON—It is rather unfortunate that this Bill is being pressed during the present session of parliament. The Geological Survey commands a very great deal of respect in Canada and deserves it on account of the magnificent work that has been done by the very eminent men who have been connected with that Survey for a long time. At present that department is without a head. Mr. Low is, unfortunately, ill, and the consequence is the department has not been consulted, as I think it should have been, with reference to this proposed change. I learn on very good authority that the officers of the department are not satisfied with this change and the manner in which it is being brought about. I have not heard their reasons for objecting—they have not communicated them to me—but I have means of knowing that the Bill meets with almost universal disfavour from the officers of the Survey. In the absence of the director of the Geological Survey, this measure has been initiated and is being carried forward. There was no immediate necessity for it under the circumstances. I am told it is claimed that Mr. Low's assent was obtained to it, but we know that Mr. Low has been in a feeble state of health for some time and in no condition to give the subject proper consideration. I regret that this measure has not been held over for another session. I notice that even the name of the Geological Survey is brushed to one side. The new department is to be called the Department of Mines, and it will contain two branches, the Mines Branch and the Geological Branch. There is, after all, something in a name, and it is a pity that we should be making the Geological Survey, even in the matter of name, so

subsidiary, as it is being made, to the mining interest in connection with the establishment of a new department.

Hon. Mr. SCOTT—I should regret very much if any observations I made could be tortured into a reflection in any way on the Geological Survey. I have the highest respect for the men who have been at the head of that branch in the past. I am prepared to bear testimony to the valuable services they have rendered Canada; but what I did indicate was that the scientific men who have been at the head of that department have regarded geology as a higher science than mere mining, and naturally have followed the bent of the higher inclination in developing the geological branch, to the exclusion, very largely, of the mines branch. I should be sorry indeed that the smallest reflection should be passed on the gentlemen who are at the head of the department today. I am quite aware of their ability. The observation made by the hon. senator from Marshfield is worthy of consideration; I see no reason why the department should not be called the Department of Geology and Mines, or something of that sort. I cannot speak positively, but I think if the attention of the minister were called to it—as it certainly shall be called—he would be disposed to accept the suggestion. I appreciate the force of the observation that it is rather tending to lower the geological element by putting mines so prominently. It ought to be the other way.

The motion was agreed to, and the Bill was read the second time.

## CRIMINAL CODE AMENDMENT BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (136) An Act to amend the provisions of the Criminal Code respecting the preservation of the peace in the vicinity of public works.

(In the Committee.)

Hon. Mr. SCOTT—As I explained on the second reading, this Bill provides for better administration, for more effectively carrying out what was intended when the original Act was put on the statute-book.

On clause 1,

Hon. Mr. FERGUSON.

1. Section 2 of the Criminal Code, chapter 146 of the Revised Statutes, 1906, is amended by striking out paragraph (17) thereof and substituting therefor the following paragraph :

(17) ' intoxicating liquor ' means and includes any alcoholic, spirituous, vinous, fermented or other intoxicating liquor, or any mixed liquor a part of which is spirituous or vinous, fermented or otherwise intoxicating, and any such liquor shall be presumed to be intoxicating if it contains more than two and one-half per cent of proof spirits.

Hon. Sir MACKENZIE BOWELL—Most patent medicines, we are told, contain more than two and one-half per cent of alcohol. Is it intended by this clause to exclude them?

Hon. Mr. SCOTT—I hope all patent medicines which contain a proportion of alcohol will be excluded, because we know that many of them are used entirely for the alcohol they contain.

Hon. Mr. FERGUSON—Undoubtedly. Just to evade the law.

Hon. Mr. SCOTT—Many men have died terrible deaths in consequence of using them.

The clause was adopted.

On clause 2,

2. Section 150 of the said Code is repealed and the following is substituted therefor :

150. Upon and after the day named in such proclamation, and during such period as the proclamation remains in force, no person shall at any place within the limits specified in the proclamation, sell, barter, or directly or indirectly, for any matter, thing, profit or reward, exchange, supply or dispose of, or shall give to any other person, any intoxicating liquor, or shall expose, keep or have in his possession any intoxicating liquor intended to be dealt with in any such way.

2. The provisions of this section shall not extend to any person selling intoxicating liquor by wholesale, and not retailing it, if the said person is a licensed distiller or brewer, nor shall they apply where liquor is supplied for bona fide medicinal purposes upon the prescription of a duly qualified medical practitioner.

Hon. Mr. FERGUSON—These provisions by the title of the Act, apply solely to the vicinity of public works.

Hon. Mr. SCOTT—Yes, there is a mileage named on each side of the public works, but the Act can only be brought into operation by proclamation. I am very sorry that any medical man should prescribe alcohol. My experience of over fifty years is that there is no possible condition of the human body in which alcohol can be of any benefit.

Hon. Mr. LOUGHEED—Very eminent professional men take a different view.

Hon. Mr. SCOTT—And more eminent men agree with me.

Hon. Mr. SULLIVAN—The hon. gentleman's assertion is too sweeping.

Hon. Mr. FERGUSON—The latter part of subsection 2 is a relaxation of the law as it stands. There is now no permission to sell alcohol on a medical certificate as the law now stands, and we are amending the Act to permit it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I must say I agree heartily with my hon. friend the Secretary of State, because while I am ready to bow with due deference to my hon. friend from Kingston, I think he will not disagree with me when I say that for every pang removed by the use of alcohol there are ten created.

Hon. Mr. SCOTT—The hospital will be the most popular place in camp.

Hon. Mr. SULLIVAN—The hon. gentleman's remarks are a reflection on the medical profession. I am satisfied that no medical man will prescribe alcohol unless he thinks it is absolutely necessary.

Hon. Mr. LOUGHEED—Not later than the last couple of months, some of the most eminent medical men in England have pronounced strongly in favour of the use of alcohol in certain cases.

Hon. Mr. ROSS (Halifax)—The man who lived to the age of 117 drank brandy all his life, and the reason why he died was because his brandy gave out.

Hon. Sir MACKENZIE BOWELL—That alcohol is injurious to the human system under all circumstancese is a statement to which I do not think any medical man would subscribe. Almost everything that a man eats contains more or less alcohol, and my own impression is that if the hon. Secretary of State were not so absteminous he would be a rugged man like myself.

Hon. Mr. FERGUSON—The hon. Secretary of State should drop this amendment. He does not believe in it himself, and I doubt if the House approves of it. All the medical men living in the vicinity of public works may not have had the advantage of being trained under the hon. senator from Kingston, and I am inclined to think that a great deal of abuse may arise under this amendment. It would be much better to drop it.

Hon. Mr. SCOTT—If we could add this proviso—provided the liquor is pure and unadulterated—I would have no objection.

Hon. Mr. LOUGHEED—That might encourage greater consumption.

Hon. Mr. SCOTT—The consumption of alcoholic liquors would not be what it is if they were required to be pure.

Hon. Mr. LOUGHEED—Why is the other exception allowed to remain, namely, that a licensed distiller or brewer may sell liquor wholesale in a proclaimed district?

Hon. Mr. SCOTT—That is a puzzle to me.

Hon. Mr. LOUGHEED—Then we should remedy it.

Hon. Mr. SCOTT—I shall make inquiry. However, I do not think I can get information on the subject. I think it is a mistake in the framing of the law.

Hon. Mr. LOUGHEED—Will my hon. friend bring down information as to the subsection of this clause? If liquor can be brought in wholesale by a licensed distiller or brewer, it seems a piece of folly to punish the retailer. We are perpetuating what seems to be an absurdity.

Hon. Mr. FERGUSON—It is a very inconsistent provision. It will simply encourage illicit selling, because there can be no legal retail sale, and yet you provide for a wholesale trade without a legal retail business.

Hon. Mr. LOUGHEED—If it is legal to sell liquor wholesale, it will be legal to consume it. Its sale being legal, its consumption is legal. People may not be able to retail it, but they may bring it on the works, and its consumption follows.

Hon. Mr. SCOTT—From my standpoint, I would rather strike out subsection 2.

Hon. Mr. DAVID, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

## RAILWAY ACT AMENDMENT BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (75) An Act to amend the Railway Act.

Hon. Mr. SCOTT moved the second reading of the Bill. He said : The Bill consists of three clauses, one of which authorizes the employment of counsel before the Board of Railway Commissioners.

Hon. Mr. LOUGHEED—Does that mean standing counsel or counsel to be retained for particular cases ?

Hon. Mr. SCOTT—In the Bill, as originally drafted, it was intended to employ permanent counsel ; but now provision is made for retaining counsel in special cases.

The motion was agreed to, and the Bill was read the second time.

## BILLS INTRODUCED.

Bill (146) An Act to amend the Statute Law in its application to the provinces of Saskatchewan and Alberta. — (Hon. Mr. Scott.)

Bill (165) An Act to amend the Customs Act.—(Hon. Mr. Scott.)

Bill (172) An Act to repeal the Act of the present session intituled An Act respecting the Surveys of the Public Lands of the Dominion and Surveyors entitled to make surveys therein.—(Hon. Mr. Scott.)

Bill (174) An Act to amend the Act respecting the Manufacture of Binder Twine in Canada.—(Hon. Mr. Scott.)

## QUEBEC HARBOUR COMMISSIONERS BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (159) An Act to increase the borrowing powers of the Quebec Harbour Commissioners.

Hon. Mr. SCOTT moved that the Bill be read the first time. He said : The object of this Bill is to authorize the Harbour Commissioners of Quebec to borrow $800,000.

Hon. Sir MACKENZIE BOWELL—Is that loan guaranteed by the government ?

Hon. Mr. SCOTT—Yes, it would not be worth much if it was not.

Hon. Mr. DAVID.

Hon. Sir MACKENZIE BOWELL—Before the second reading, will the hon. gentleman furnish a statement of the amount of money which has been loaned to the Harbour Commissioners of the province of Quebec—how much has been spent?

Hon. Mr. SCOTT—How much has been sunk ?

Hon. Sir MACKENZIE BOWELL—I did not use that word, but I accept the amendment—and the amount of interest unpaid.

The motion was agreed to, and the Bill was read the first time.

## HARBOUR COMMISSIONERS OF MONTREAL BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (166) An Act to provide for further advances to the Harbour Commissioners of Montreal.

Hon. Mr. SCOTT moved that the Bill be read the first time. He said : As hon. gentlemen know, large amounts of money are now being expended in enlarging the harbour of Montreal. Unlike Quebec, Montreal has regularly paid interest on its bonds. It is believed that the further advances that are now proposed will be paid with equal regularity. Hon. gentlemen who have been in Montreal lately will have noted that all along the front of the harbour there are improvements going on which will facilitate the landing of goods. The revenue of the harbour of Montreal is improving every year.

The motion was agreed to, and the Bill was read the first time.

## BOUNTIES ON IRON AND STEEL BILL.

### FIRST READING.

A message was received from the House of Commons with Bill (173) An Act respecting bounties on iron and steel made in Canada.

Hon. Mr. SCOTT moved the first reading of the Bill.

Hon. Sir MACKENZIE BOWELL—It is a great misfortune that the hon. Minister of Trade and Commerce is not here in order to put himself on record on this subject.

The motion was agreed to, and the Bill was read the first time.

The Senate adjourned until 3 p.m. to-day.

## SECOND SITTING.

The Speaker took the Chair at Three o'clock.

Routine proceedings.

## DRY DOCK AT ST. JOSEPH DE LEVIS.

### INQUIRY.

Hon. Mr. LANDRY inquired :

Does the government know that the dry dock at St. Joseph de Lévis is of dimensions too narrow to permit the entering therein, in the case of need, of vessels such as the Empresses of the Canadian Pacific Railway Company, or of the new turbine vessels of the Allan Company?

Is it the intention of the government to obviate the inconveniences for the necessities of navigation which may result from the existence of a dry dock which is too small and useless, by the enlargement of the existing dock, or by the construction of a new dock of such dimensions that the largest vessels may enter it ?

If a new dock is built will it be built in the suburbs of Quebec or of Lévis, at a place which is accessible to the largest vessels, even to those whose draught of water does not permit them to ascend the river above Quebec ?

When does the government propose to commence these works ? Will it be this year ? Next year ?

Hon. Mr. SCOTT—In reference to the first, the answer is yes, and as to the other, the matter is now in consideration, which is an admission that the dock was either too short or too narrow.

Hon. Mr. LANDRY—I think that could be admitted without any consideration at all.

Hon. Mr. YOUNG—That is not under consideration. It is the latter part that is under consideration.

Hon. Mr. LANDRY—As to the other answers, when could we have them ?

Hon. Mr. SCOTT—I will send them to the hon. gentleman when they are ready.

## COPIES OF NEW SENATE MANUAL.

### MOTION.

Hon. Mr. POWER moved :

That the clerk be instructed to cause to be printed and bound 500 copies of the new Senate Manual, which is to include the Standing Orders and Rules of the Senate, the Forms of Proceeding of the Senate, the British North America Act, 1867, and its amendments, the Letters Patent constituting the office of Governor General, the Royal Instructions to the Governor General and the commission of the present occupant of that office, together with various tables of contents and an index.

He said : It was the duty of the clerk to see that the manual containing the rules, forms of proceedings and other matter was prepared for the use of senators and officers of the House. The work has been completed and it was hoped that we should be in a position to lay the complete work on the table of the House, but inasmuch as at this period the work at the Printing Bureau is very considerably conjested, the proofs of the last part of the work have not yet come to hand, and particularly a very full index to the rules, but hon. gentlemen can see from what is to be laid on the table what the manual will contain. It will contain, in the first place, the rules. The substantial difference between the rules as contained in the manual and the rules which have been distributed to the hon. members of the House is, that in the manual there will be found appended to each rule the page in May or Bourinot, or both, in which the subject-matter of the rule has been dealt with. It has been felt that that will be a great convenience to hon. members, and particularly to His Honour the Speaker and to the gentlemen who usually deal in questions of order. Then there has been prepared—and we expected to have it here by this time—a comprehensive index to the rules, which covers about 16 pages of foolscap, a very full index to so small a volume as our book of rules. The next feature is the forms of proceedings. Some corrections have been made in these, but no material change, and, if hon. gentlemen will look at the paper on the table, they will see that marginal notes have been added and references to May and Bourinot inserted at the bottom of each paragraph. The British North America Act has also been printed, the various amendments to the British North America Act and also an Act known as the Colonial Laws Validity Act, which it appeared desirable to have in this manual for the information of members. Then there are, as in the old manual, the letters patent constituting the office of Governor General of Canada. Some changes in the form of those have been made by the imperial authority. The Governor General is now called Commander in Chief, as well as Governor General. Then there are royal instructions to the Governor General and there is Earl Grey's commission. I may say there is a pretty full analytical table of

contents of the British North America Act and the other imperial enactments at the end of the volume.

Hon. Mr. YOUNG—A great deal of work has been done in connection with the subject that my hon. friend from Halifax has brought before the House, and it is only fair to say that he has undertaken that work cheerfully himself. I have no doubt it will be of great advantage to you, Mr. Speaker, and to the members of the Senate. The hon. senator deserves the thanks of this House for the time and patience and ability he has bestowed in bringing the rules into such a convenient form.

Hon. Mr. LANDRY—I concur fully in the praise bestowed on the hon. senator from Halifax. In the volume we had before this, as in this one, there were different parts; the rules and orders of the House, a manual of the forms of proceedings, and the British North America Act. These will appear in this volume too. I would suggest a little departure from the old titles. This was called Rules and Orders of the Senate, but we have now Rules, Orders and Forms of Proceedings of the Senate of Canada. Those forms of proceedings that we have now are the forms that are given in our rules. To that volume we add a manual of proceedings in addition to the forms of proceedings. This second part of the Manual of Proceedings is quite different from the first, as also to the forms of proceedings. I would call it a Manual of the Orders of the Forms of Proceedings and containing the British North America Act. There are three parts of the volume and the second part has the same title as the sub-title of the first one. I would like to distinguish that, so as to make certain that our rules and forms of proceedings are different from the Manual of Proceedings.

Hon. Mr. POWER—I am happy to say that in this particular instance the clerk has anticipated the wishes of my hon. friend. The general title is Canada: Senate Manual. Then the title of the next division is Standing Orders and Rules of the Senate of Canada, the third one is Forms of Proceeding, and the next comes 'Imperial Enactments.'

Hon. Mr. LANDRY—If possible, a copy of these rules might be sent to the members who compose the committee. Within a month they could be returned with any necessary corrections, and if not returned within that time the printing might go on.

Hon. Mr. POWER—The French translation might be submitted to a committee of hon. gentlemen who speak French, but as there is no change in the rules whatever and as the translations were carefully gone over by some gentlemen who speak the French language, there is no necessity for any further revision. There is no change in them, nor is there any change in the forms of proceeding.

Hon. Mr. LANDRY—I refer specially to the index.

Hon. Mr. POWER—There is no reason why the French version of the index should not be dealt with in any way that is desired.

Hon. Mr. LANDRY—Is it proposed to issue 500 copies of the English version?

Hon. Mr. POWER—I understand that 500 copies were printed the last time the rules were revised, and I do not know what the proportion was, probably it will be something over 300 English and the usual proportion of French.

Hon. Mr. YOUNG—The usual proportion will be followed.

Hno. Mr. POWER—Yes, that is the idea.

Hon. Mr. FERGUSON—Like other hon. gentlemen, I have not had any opportunity of looking over the work which my hon. friend from Halifax has been engaged in for a considerable time, but I have not the slightest doubt, from what I know of his industry, his care and the very great knowledge he possesses of parliamentary practice, that he has put together a compendium that will be of very great value to this House. From the explanations which he has made, I learn that marginal notes with regard to each rule will refer to Bourinot or May, one or the other of these authorities, wherein there is anything to be found bearing upon the subject-matter of the rule, and, if I understood him aright, there will be notes also to the form of proceedings in the

same manner. That cannot fail to be of value as a handy little book in the hands of the hon. members, and will save a great deal of trouble in referring to the larger volumes. On that account, I think the work he has done cannot fail to be of very great value to this House. I understood my hon. friend to say that the forms of proceedings do not differ very materially from those we have had before. In future, as in the past, they will not be standing orders, but they will still have the weight of my hon. friend's authority behind them. They will contain references and will be valuable lights for hon. gentlemen of this House. My hon. friend referred to an index that has been prepared, and which seems to me to be very copious. Do I understand him to say that there will be an index for the rules and the standing orders, and a separate index for the forms of proceeding ?

Hon. Mr. POWER—Yes.

Hon. Mr. FERGUSON—It would be very unfortunate if they were both combined in one index.

Hon. Mr. POWER—The hon. gentleman is quite right, but to prepare an index which would include the rules and the forms of proceedings and the various English statutes, would be a work of very great magnitude indeed. There are analytical tables of contents of the imperial statutes, and also of the form of proceedings which really constitute fairly good indexes, but there has been no minute and elaborate index except for the rules.

Hon. Mr. FERGUSON—My point was that it would be very desirable that the index to the rules should be kept separate and distinct from any other indexing of other papers in the manual, because hon. gentlemen would take up the manual in a hurry and if there was any mixing or blending of the index it might take time to get at the point, which, to be valuable at all, would have to be got at at once.

Hon. Mr. POWER—I may say to the hon. gentleman that the index to the rules is immediately after the rules. It is separate from the other.

Hon. Mr. FERGUSON—That is as it should be.

The motion was agreed to.

## DEPARTMENT OF MINES.

### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (139) An Act to create a Department of Mines.

(In the committee.)

On clause 1.

Hon. Mr. SCOTT—Attention was drawn to the fact that the Geological Survey is entirely ignored in this Bill and that the Department of Mines was brought prominently to the front. That was the point under discussion at the second reading, and I promised to give the matter some consideration. I think that the title might be changed to read 'An Act to create a Department of Mines and Geology.'

Hon. Sir MACKENZIE BOWELL—Better reverse it and put geology first.

Hon. Mr. SCOTT—It is difficult to do that, because in the body of the Bill it stated that the department means the Department of Mines, so that we could not make the change.

Hon. Mr. LOUGHEED—I should prefer to see the mines first, because the public are interested in mines and not interested so much in geology.

Hon. Mr. POWER—Geology is supposed to go before the mines. The investigations of the geologists, and the Geological Department have been in existence since the union, and were in existence in old Canada before the union. I should not like to put the mines first. I think we had better put the old department first, and, if I may be allowed to make a suggestion with regard to the title, I should say that this Act may be cited as the Geology and Mnies Act. Why use the word 'department ?'

Hon. Mr. LOUGHEED—My observation has been that the geologist follows the miner, and the miner invariably precedes the geologist. The discovery of all our mines in Canada has demonstrated the fact that the geologist has almost invariably reported against mineral bearing rocks where the mineral bearing rocks of Canada have been found, and I think no credit whatever is due to the Geololgical Department no matter how efficient it may have

been with reference to the great discovery of mineral deposits throughout the Dominion. I should be sorry to see prominence given to geology before mining in a Bill of this kind.

Hon. Mr. BOSTOCK—I can agree with my hon. friend in what he has said, because I certainly think the Geological Survey of the country comes before the mining problem. The Geological Survey is for the purpose of planning and laying out the maps of the country and tracing out the rocks, and the geological condition of the country, and the formation generally, and I think that the word geologist should certainly come first in this matter. Then again, my hon. friend says that the Geological Department never discovered any mines. I should like to read a short extract from a report of the Canadian Mining Institute. In an article written by Mr. Mortimer Land, of Montreal, Quebec, on the very question of a Federal Department of Mines, on page 97, he says:

> A report which was made by a Committee of the House of Commons which was appointed about 1882 contained an account by Dr. Dawson of the discovery and value of the Crow's Nest Coal area, probably one of the most important announcements of an economic character ever made by the Survey.

Its value as a coal area was, therefore, pointed out long before the mines were discovered. The principle city of the Yukon was named after Dr. Dawson, practically for the same reason, so that I think there is some truth in the statement that the Department of Geology has not only pointed out where they should look for minerals and find valuable mines, but they are ahead of the miners in indicating the mineral resources of the country.

Hon. Mr. FERGUSON—I was going to point out when the hon. gentleman from Vancouver rose, that in a map attached to Dr. Schultz's report, published in 1888, the Yukon region was marked as auriferous. That is nineteen years ago, and in all the parts of that country in which gold has since been found tha fact was indicated by geologists as far back as twenty years ago, so that I think my hon. friend from Calgary was scarcely right when he said that invariably the geologists had declared there was no mineral wealth in that section of the country which was afterwards demonstrated to be very valuable in that respect. I think the general fact of any particular territory indicating the presence of valuable minerals has been invariably discovered by geologists. The practical development has resulted afterwards by the prospectors, and sometimes accidentally.

Hon. Mr. GIBSON—I might say that the possibilities of the coal fields of Pennsylvania were pointed out by Hugh Miller, the geologist, and during the travels of Livingston in South Africa he sent home the descriptions of the discoveries he made, and Sir Roderick Murchison sent them back and marked the woods and valleys and minerals that were to be found by the description of the outlines of the country travelled over by Dr. Livingston.

Hon. Mr. WATSON—It seems to me if there is going to be a new department created, it is much better to refer to it as the Department of Mines, than the Department of Geology. It would sound much better to be Minister of Mines than a Minister of Geology. There is no doubt something in what has been said by both sides. Take, for instance, the coal mines in the Crow's Nest Pass. I think the Crow's Nest Pass mines were discovered by a man named Fernie. He was not a geologist, he was a prospector.

Hon. Sir MACKENZIE BOWELL—If you change the title as suggested it will necessitate a number of changes in the body of the Bill.

Hon. Mr. SCOTT—We may change the title, and amend the interpretation to correspond, but I do not intend that the body of the Bill shall be disturbed, because, as my hon. friend says, it would derange the whole measure. I think we might pay the suggestive compliment to the Geological Survey in the title, and then in the interpretation clauses that this Act may be cited as the Act of Geology and Mines. What follows refers to the Department of Mines only.

Hon. Mr. LOUGHEED—Is there not a statute with reference to the organization of the Geological Survey ? If so would you not have to amend that also to correspond with the amendment we propose to make in this Bill ?

Hon. Mr. SCOTT—The Act organizing the Geological Branch is repealed by this Bill. Clause 7 describes the functions of the Geological Survey and clause 8 makes provision for maintaining a museum. I do not think the proposed changes in the title and in clause 1 will disturb the rest of the Bill.

Hon. Mr. POWER—There is one circumstance to which the attention of hon. gentlemen has not been directed. That is that in all the provinces except Manitoba, Alberta and Saskatchewan, the Dominion has nothing to do with mines, and we should have some regard, in the details of this new Bill to the rest of the country. The Geological Survey legislation is in operation throughout the whole country and I think it would be better to put geology first in the title. I would suggest that instead of treating it simply as a Bill to create a Department of Mines, we should treat it, as it really is, as an Act dealing with the Geological Survey and with mines. The better title would be the Geology and Mines Act. I move that the first clause be amended to read as follows: 'This Act may be cited as the Geology and Mines Act.'

The motion was agreed to.

On clause 2:

2. In this Act, unless the context otherwise requires,—
(a) 'department' means the Department of Mines;
(b) 'Minister' means the Minister of Mines.

Hon. Mr. LOUGHEED—I am not wedded to placing geology before mines, but if you amend the title it would be only consistent to amend the Act throughout.

Hon. Mr. SCOTT—Then the Bill would have to be recast.

Hon. Sir RICHARD CARTWRIGHT—We had better keep it the Department of Mines. It is always inconvenient to change a Bill which has been carefully considered elsewhere.

Hon. Mr. FERGUSON—I think it is largely a matter of sentiment on the part of the Geological Branch, and if that sentiment is respected in the title it involves no inconsistency with the body of the Bill.

Hon. Mr. LOUGHEED—It must be quite apparent that if this becomes the Department of Geology and Mines, and in the interpretation we say that 'Minister' means the 'Minister of Mines,' it leaves no minister for the Geological Survey.

Hon. Mr. SCOTT—Clause 9 provides for that:

9. The Governor in Council may appoint a deputy minister, a director of the Mines Branch, a director of the Geological Survey, and such other officers and clerks as are required for the proper conduct of the business of the department, who shall be appointed and classified under schedule A of the Civil Service Act, and in accordance with and under the terms of section 6 of the said Act.

Hon. Mr. LOUGHEED—That provides for the appointment of a deputy minister, but who will be the Minister of Geology?

Hon. Mr. SCOTT—The Minister of Mines.

The clause was adopted.

On clause 3:

3. There shall be a department of the civil service to be called 'The Department of Mines,' which shall be under the control and management of the head of one of the present departments of the government of Canada, who shall be named from time to time for that purpose by the Governor in Council, and who shall be called 'The Minister of Mines.'

Hon. Sir MACKENZIE BOWELL—If the head of the department who is to administer this branch is to be called Minister of Mines, does he lose his other designation?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Suppose it is transferred to the Secretary of State, what would he be termed? Minister of Mines and Secretary of State?

Hon. Mr. SCOTT—No, Secretary of State. The Minister of the Interior is Minister of the Indian Department and of the Geological Survey at present.

Hon. Sir MACKENZIE BOWELL—I understand that, but those branches were transferred by statute to the Department of the Interior. The fifth clause of this Bill provides:

5. The department shall consist of two branches, one of which shall be called the Mines Branch, and the other of which shall be called the Geological Survey.

Then in the ninth clause, the Governor in Council has power to appoint a deputy minister and a director of the Mines Branch, and a director of the Geological Branch and so on. If the hon. senator from Welling-

ton were here I would suggest to add the words 'notwithstanding anything in the Civil Service Act to the contrary.' I cannot very well see how, under this Bill as framed, the department is to be worked. My humble impression is that by next session it will be found to be a new department altogether, with a minister at the head. I fail also to see what advantage is to be gained by sending out officials to different parts of the country to ascertain where mines are located. As has been truly said, most of our mines have been discovered by accident. A prospector may discover mineral in any portion of the country, but it is impossible for any one to say whether that deposit is of sufficient value to justify the expenditure of money upon it until it has been developed. The report of the gentleman who visits it before it is developed is of no value. This is simply creating a department which can be of no practical benefit to the country, and will simply provide situations for a number of gentlemen.

Hon. Mr. SULLIVAN—Is it in contemplation to have a Minister of Geology ?

Hon. Mr. SCOTT—No, there will be the Minister of Mines, a deputy minister, a director of Geology, and a director of Mines.

Hon. Mr. SULLIVAN—I think the Department of Mines is the proper term to use. It brings it more in connection with the public.

The clause was adopted.

On clause 4 :

4. The department shall administer all laws enacted by the parliament of Canada relating to mines and mining, and shall also have the management and direction of all subjects assigned to it by the Governor in Council.

2. Whenever, under the provisions of this section, the management and direction of any subject is transferred from any other department to the Department of Mines, the Minister of Mines and the Deputy Minister of Mines shall be substituted for, and have all the powers and perform all the duties of, the minister and deputy minister, respectively, of such other department, as defined and provided by the Acts and regulations relating to such subject.

Hon. Mr. FERGUSON—There is a great deal of force in an observation made by the hon. senator from Halifax, that in every province, except the three prairie provinces the minerals belong to the local governments. Therefore I am inclined to think there will be a considerable amount of overlapping in the work to be done by the Mines branch of this new department. It will lead to a good deal of waste of public money unless there is harmony and concerted action between the local and the federal governments. Of course, if the province and the Dominion work together, the duty may be divided between them. The mineral wealth of the country is so great that there ought to be a central bureau to have an oversight over the whole work throughout the Dominion even in the provinces where the minerals belong to the provincial authorities.

Hon. Mr. SCOTT—It is all in the way of disseminating valuable information to the people.

The clause was adopted.

On subclause (e) of clause 6 :

(e) To collect and prepare for exhibition in the museum specimens of the different ores and associated rocks and minerals of Canada and such other materials as are necessary to afford an accurate exhibit of the mining and metallurgical industries of Canada.

Hon. Mr. SULLIVAN—There are three or four chemical laboratories now. I would suggest that there should be one good laboratory, with a properly qualified man in charge of it.

Hon. Sir MACKENZIE BOWELL—Is not all the work that is called for here done now by the Geological Survey, and is not this simply duplicating the work ?

Hon. Mr. SCOTT—The staff now employed in the Geological Survey will be removed to the Department of Mines, and there will be no overlapping. It is thought that a great deal more information may be disseminated in regard to our mines by establishing a separate branch, because hon. gentlemen will recognize that the Geological Survey has overshadowed the Mines Branch.

Hon. Mr. POWER—The last two lines of paragraph (e) do not accurately describe the contents of the museum. It says : 'An accurate exhibit of the mining and metallurgical industries of Canada.' I would suggest to add the words 'and resources.'

Hon. Mr. FERGUSON—There is no doubt an overlapping of the work of the two departments, the duties of both being to col-

lect for the museum. There may be two collections in mineralogy, one supplied by each branch, and a question might arise as to which of these collections would be entitled to a place in the museum.

Hon. Mr. SCOTT—Both departments are under the one head, so there will be no overlapping.

Hon. Mr. FERGUSON—But it indicates how there might be a waste of money to have two parties of men doing the same work, and there might be three parties, because in some of the provinces you might find the provincial government with another set of men doing the same work.

The clause was adopted.

On subclause (c) :

(c) to map the forest areas of Canada, and to make and report upon investigations useful to the preservation of the forest.

Hon. Mr. POWER—That is something which does not appear in the present Act, and I think it is a very desirable improvement. I am very glad to see the government are taking steps to procure reliable information with respect to our forestry.

Hon. Mr. FERGUSON—We have forestry work going on now under the forestry officer. I think the position of chief of that branch is vacant now. There is a staff in connection with the Interior Department, but it is understood that that work will be passed over to whichever department will have charge of the geological work.

The subclause was adopted.

On clause 8:

8. The department shall maintain a museum of geology and natural history for the purpose of affording a complete and exact knowledge of the geology, mineralogy and mining resources of Canada.

Hon. Mr. SULLIVAN—There is a museum called the Royal Victoria, and this clause speaks of another museum. It is a pity there should be two museums.

Hon. Mr. SCOTT—The specimens coming from the different branches would not be the same.

Hon. Mr. SULLIVAN—I beg pardon for contradicting the hon. gentleman, but they are precisely the same. Everything they have reference to here bears on the one subject of geology, or subjects akin to it, and if they have two museums in regard to the same subject, I say that is the worst feature of the whole Bill because there is no necessity for it. The present museum of geology has a very valuable collection, and I presume if they are going to have a proper space, it should be enlarged. These specimens of ore come under the subject of geology and they are all akin to each other. I cannot see anything requiring two museums.

Hon. Mr. SULLIVAN—That was all I asked.

Hon. Mr. FERGUSON—There are two references that are not in harmony. Clause 7 speaks in the fourth line of the Victoria Memorial Museum, and clause 8 provides that the department shall organize a museum of geology and natural history. Are there two museums?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—Why are they known by different names?

Hon. Mr. SCOTT—There is a museum in the geological branch. It has to be moved as soon as the Victoria Museum is ready. That is the new building.

Hon. Mr. FERGUSON—That may be all right, but why do we call it the Victoria Museum in clause 7 and why do we take authority in clause 8 to establish another museum, which is called a museum of geology and natural history?

The clause was adopted.

On clause 9:

The Governor in Council may appoint a deputy minister, a director of the Mines Branch a director of the Geological Survey, and such other officers and clerks as are required for the proper conduct of the business of the department, who shall be appointed and classified under schedule A of the Civil Service Act, and in accordance with and under the terms of section 6 of the said Act.

Hon. Mr. LOUGHEED—Is this deputy minister to be the deputy minister of the entire department ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr LOUGHEED—Or simply the Deputy Minister of Mines?

Hon. Mr. SCOTT—The mining heads are called directors and there will be a deputy minister over both. There will be a minister and a deputy minister and director special to each one.

Hon. Mr. LOUGHEED—Then the present director of the Geological Survey would lose his status, unless he is appointed a deputy minister of the department?

Hon. Mr. SCOTT—If he is a deputy minister he will continue in that position, so I understand.

Hon. Mr. LOUGHEED—I understand he occupies the position of deputy minister, without being designated as such?

Hon. Mr. POWER—I must say that I share the views of the hon. leader of the opposition in respect to this matter. This clause calls for two new directors, if the view taken by the hon. gentleman is correct. If the present director is made the deputy minister, then there will be two directors to be appointed, and they will be probably rather high salaried officials.

Hon. Mr. SCOTT—No doubt about that.

Hon. Mr. POWER—These will be highly salaried officials. Where a Director of Mines operates will be exclusively in the prairie provinces, and the amount of mineral wealth which has been discovered there, outside of the coal, I think, is very small, and a deputy minister and one director would be quite sufficient for that branch.

Hon. Sir MACKENZIE BOWELL—There is a director of geology now, under the present law. This provides for having an extra deputy head and director of mines in the department, which is to manage and control this department. So that if the duties to be performed under this Act are relegated to the Department of Inland Revenue there will be a deputy head of Inland Revenue and a deputy head of Mines, and a director of geology and director of mines.

Hon. Mr. POWER—Nearly as bad as the Militia Department.

Hon. Sir MACKENZIE BOWELL—I do not know but what it will be a little worse.

Hon. Mr. SCOTT—Growing time.

Hon. Sir MACKENZIE BOWELL—In the Post Office Department I notice that there is to be another deputy head—but we can discuss that when the Bill comes before us.

The clause was adopted.

On clause 11:

11. No person shall be appointed to the department under paragraph (b) of schedule A of the Civil Service Act, unless he is a science graduate of either a Canadian or a foreign university, or of the Mining School of London or the Ecole des Mines of Paris, or of some other recognized science school of standing equal to that of the said universities and schools, or a graduate of the Royal Military College.

Hon. Mr. LOUGHEED—I must say I fail to understand why a graduate of the Royal Military College should occupy the same status as a graduate of one of our universities. In military training, the examination incident to graduating in the Royal Military College is not equal to that of matriculation in a university, and why a graduate in this college should be placed in the same position as a graduate of the universities designated in the section, I am at a loss to understand. I certainly think that the latter part should be striken out. If literary training of the high order of a graduate is necessary, certainly it is lowering it very considerably to say that a graduate of the Royal Military College should occupy the same position.

Hon. Mr. SCOTT—It would not follow that any graduate was eligible. It would be a graduate who has made some advance in the science to which the Bill referred.

Hon. Mr. SULLIVAN—The Law Society recognizes the Military College and puts it on the same plane as the university. That is a learned body and ought to know. It is true there is a special mathematical education in the Military College, but I contend—and I have a chance of observing it in the university, it is an institution of the government, and they arrange its curriculum, and have made it sufficient to qualify a man as an engineer. Take a civil engineer from the Military College; I am sure he would be just the same as a graduate of the university who has had a thorough training in mathematics. It is no use to argue on this point, but I think my hon. friend has an erroneous idea in regard

to that, because I know very well that there is something in reason or these military schools would not grant a favour to members of that university. They are appointed at once as engineers and artillery officers to the British service.

Hon. Mr. LOUGHEED—My hon. friend is in error. The law societies of the Dominion, as far as I am aware—and I have a knowledge in regard to some of them—admit graduates of the Royal Military College to the same status as they would a matriculant of the university.

Hon. Mr. SULLIVAN—I have not the exact information, but I am sure they were allowed the same shortening of their term, that was allowed to the university.

Hon. Mr. POWER—I do not see why we should not put our Military College on the same footing as the other institutions that are named. The hon. leader of the opposition says the final examination of the Military College might be regarded as equivalent to the matriculation of one of our universities. I do not wish to reflect on the hon. gentleman, but surely he has not been looking at the recent information as to the two kinds of examination. I think the passing out examination in the Royal Military College is much nearer to the graduating examination in the university.

Hon. Mr. LOUGHEED—If my hon. friend will look at the curriculum, he will not undertake to say that the same knowledge of the classics is required even in graduating in the Royal Military College that would be necessary to matriculate in one of our universities.

Hon. Mr. POWER—This is a day of elective studies. I do not mean to say they require a very profound knowledge of classics, but they do require a good English education, and, in addition to that, a very considerable scientific training, and I know the entrance examination to the Royal Military College is quite as stiff as the matriculation examination at the ordinary universities throughout the country. The practical result of the thing is, that the graduates of the Royal Military College have gone to the United States, the old country and the different parts of Canada, and they have been recognized in a great many cases as particulalry successful mining engineers and civil engineers. They have made quite a record for themselves that way; and the country maintains this Military College at a very considerable expense. A comparatively small number of the graduates of that college enter the military service of this country; if we can get them into the civil service, then we can get some return for the money expended on the college, and I should be very sorry to see such an unpatriotic Act perpetrated by the Senate of Canada as to strike out the Military College graduate.

Hon. Mr. DOMVILLE—When the Military College was first established, years ago, the doctrine was laid down that when graduates came out thoroughly educated they were fit for, and intended to occupy, any position in Canada that might be open to them. I do not think that any one would argue that a graduate of that college, fourth, fifth or sixth, almost a perfect mathematician, having gone through a certain elementary course in electricity and one thing and another, if he comes out of the institution with brains and education, should be barred from competing against somebody who comes from the university and perhaps has not any brains. There is the point; but without going into that matter I think it would be a fatal error to lay down the doctrine, not only in Canada but before the world, that the Royal Military College graduates are barred from the best positions in this country.

Hon. Mr. LOUGHEED—The hon. gentleman misapprehends the position entirely. We are providing in clause 11 for a special qualification for a special science branch. It does not follow that because a man may be a Military College graduate, although he may be a hero and may have rendered the most patriotic service to his country, that, therefore, he is necessarily qualified for a special scientific branch of work. It casts no reflection upon him to say that he has no knowledge of metallurgy. He may be an excellent engineer. He may understand military tactics, or may lead a brigade, but may not have the least knowledge of metallurgy, and it is only with regard to that particular branch of learning or science

that I say, if we require a special class of scholastic attainment on a certain subject that we should adhere to it.

Hon. Mr. DOMVILLE—The hon. gentleman misunderstands or I misunderstand. In the Military College students are taught metallurgy and mineralogy. If they get a smattering of that—and they are certainly coming out first-class mathematicians and all that—they are certainly equal to what is laid down as the standard of a geologist. The best men that Canada has produced to discover and develop mines were not the scientific men but the prospectors who could tell by the color of the trees and the shades of the foliage where metals existed. I think we go a long way out of our course to adopt the idea that the Military College is not good enough for every purpose in connection with this Bill.

Hon. Mr. POWER—I would direct attention to the fact that there are various universities in this country where one may graduate on the classic side and really have very little scientific, so that the argument does not hold good.

Hon. Mr. ELLIS—I would appeal to my hon. friend on another ground. If the effect of allowing the student to enter these professions, entirely apart from the question of fitness, would be to divert him from the study of the arts of warfare. I think we should permit it.

Hon. Mr. LOUGHEED—In the interests of universal peace and the development of our mining resources, I shall withdraw any objection to the clause.

The clause was adopted.

On clause 12:

12. When the deputy minister reports, for reasons set forth in such report, that assistance of a technical or professional character is required in the department, the Governor in Council may, without reference to any examination, or to the age of the person, if the minister concurs in such report, temporarily employ such person at such remuneration as is deemed expedient.

Hon. Mr. SCOTT—Experience shows that very often capable men have passed the age of thirty-five, and we are constantly having to appoint men of that class. You cannot always get that class of men, who are in demand all over the world, and a scientific man of superior attainments over thirty-six or thirty-seven years of age, cannot come in under the Civil Service Act.

Hon. Sir MACKENZIE BOWELL—You can appoint a man for special reasons under the Civil Service Act.

Hon. Mr. SCOTT—We are doing it by Act of parliament.

Hon. Sir MACKENZIE BOWELL—There is a provision in the Civil Service Act giving you the power to appoint gentlemen with exceptional qualifications at a higher salary than is provided in the Civil Service Act.

Hon. Mr. POWER—The feeling I have about this clause is that it is too unrestricted. I think there should be some testing of the qualifications of the candidate, at any rate, in the duties of the office which he has to fill. You would not suspect the present government of appointing any one for political reasons, but it may be that another government may come in who could not be trusted in that way, and then, of course, if the hon. leader of the opposition in this House should happen to be premier we might trust him, but we could not trust the leader somewhere else.

Hon. Mr. LOUGHEED—Why does it not occur to the fertile imagination of my hon. friend to suggest that clauses 11 and 12 be stricken out to provide that the government may appoint any one. That would meet the requirement. That is to say, we fix the sandard in 11 and knock the standard down in 12.

Hon. Mr. SCOTT—We have to trust governments sometimes.

Hon. Sir MACKENZIE BOWELL—I must say that the provisions of the 12th section meet my view, and I think it is a power any government should be enabled to exercise. The provision is that this assistant must have a technical and professional training for the purpose of dealing with some question that an ordinary clerk in the office is not able to grapple with. It is a power that is given in the Civil Ser-

vice Act, and I do not know particularly why this clause is required here, unless the Civil Service Act does not go sufficiently far. I know that in many departments men of superior qualifications for particular work were appointed, outside of the provisions of the Civil Service Act altogether, and the Act gives the government the power to do that.

The clause was adopted.

On clause 17 :

17. No person employed in or under the department shall, directly or indirectly :
(a) purchase any Dominion or provincial lands other than for personal residential purposes, except under authority of the Governor in Council ;
(b) locate military or bounty land warrants, or land scrip, or act as agent of any other person in that behalf ;
(c) disclose to any person, except his superior officer, any discovery made by him or by any other officer of the department, or any other information in his possession in relation to matters under the control of the department or to Dominion or provincial lands, until such discovery or information has been reported to the minister, and his permission for such disclosure has been obtained ;
(d) make investigations or reports relating to the value of the property of individuals, or hold any pecuniary interest, in any mine, mineral lands, mining works or timber limits in Canada.

Hon. Mr. LOUGHEED—Is it desirable to draw so invidious a distinction between this branch of the pubilc service and the other branches ? Many employees of other departments, and particularly the Department of the Interior, are not slow to take advantage of investment in the public lands of the Dominion ; why should this prohibition be so accentuated in 17 as to the employees of the Department of Mines and Geology ?

Hon. Mr. SCOTT—It was first adopted in 53 Victoria, chapter 11. It has been a long time on the statute ; it was re-enacted in 55 Victoria, chapter 16. I suppose there is a temptation. If the geologist discovered minerals of a valuable character, he would want to buy.

Hon. Mr. LOUGHEED—Does the hon. gentleman think 53 Victoria is flaunted before the eyes of the officers of the Geological Department and thus exercises a terrorizing influence over them ?

Hon. Sir RICHARD CARTWRIGHT—This is certainly the practice, and it is the law as regards similar officers in England. Officers who inspect mines are strictly forbidden to deal in mining stocks.

Hon. Mr. LOUGHEED—I am not objecting to its presence in this Act, but I am objecting to its absence in other Acts of a similar character.

Hon. Sir RICHARD CARTWRIGHT—Supposing the hon. gentleman introduces a Bill or two dealing with the evils he speaks of. But perhaps he had better not make it too far retrospective.

Hon. Mr. LOUGHEED—It might be inconvenient in that regard.

On clause 18 :

18. The directors of the branches shall, as soon as may be after the close of each calendar year, make summary reports of the proceedings and work of their respective branches for the year, and shall also furnish final and detailed reports, to be issued from time to time in such manner and form as the minister directs ; and the minister shall cause the said reports to be laid before parliament, with such remarks, explanations and recommendations as he thinks proper.

Hon. Mr. POWER—One would suppose that there was some provision for a report by the deputy minister, but there does not appear to be.

Hon. Mr. FERGUSON—A question arises in respect of this. Of course the year fixed here would necessarily have no connection whatever with our fiscal year excepting in this way ; that sessions of parliament are now fixed with reference to a change in our fiscal year, and would it not therefore be better to arrange the year for the operation of a department like this, so that it would also end at a time when it would be most convenient to furnish parliament with the information. In order that my meaning may be understood, a report for the department at the end of the calendar year, 31st December—and parliament has probably met a month before that—would not be received by us until a year later ; whereas if the year was made to end at the first of July, it would then not only be possible but quite probable that we should have the report to lay before parliament. We should sit soon afterwards, and parliament would be seized of the information many months earlier than it will be if we make the cal-

endar year the year for the report of the department.

Hon. Mr. SCOTT—The hon. gentleman will remember that the real work is done between March and November. If we changed it to March it would be breaking up the year. We are liable to get the information earlier by having it put in the calendar year. Parliament will, as a rule, I suppose, sit through February and March every year under the new arrangement. We ought to be able to get it for that sitting of parliament under the present arrangement?

Hon. Mr. FERGUSON—Does the hon. gentleman think that would be possible ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—At any rate the reports of this department are never used for political purposes.

Hon. Mr. FERGUSON—No, but we should be furnished with the information up to as late a date as possible.

The clause was adopted.

On clause 22 :

Chapter 65 of the Revised Statutes, 1906, is repealed.

Hon. Mr. LOUGHEED—I desire to say before the committee rises that owing to the amendment which has been made by adding geology to mines, my impression is —and I would submit it for the serious consideration of my hon. friend—that a corresponding amendment should be made in the body of the Act, particularly in clause two, where it says 'Minister' means 'Minister of Mines.' Having accentuated the difference between mines and geology, it is quite clear the minister must be the Minister of Mines and Geology.

Hon. Mr. LANDRY, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read a third time and passed.

## CRIMINAL CODE AMENDMENT BILL.

### THIRD READING.

The House resumed in Committee of the Whole consideration of Bill (36) An Act to amend the provisions of the Criminal Code respecting the Preservation of the Peace in the vicinity of Public Works. —(Hon. Mr. Scott.)

(In the committee.)

On subsection 2 of clause 2 :

2. The provisions of this section shall not extend to any person selling intoxicating liquor by wholesale, and not retailing it, if the said person is a licensed distiller or brewer, nor shall they apply where liquor is supplied for bona fide medicinal purposes upon the prescription of a duly qualified medical practitioner.

Hon. Mr. SCOTT—I asked for information on this clause but have been unable to obtain it. I presume the object of this subsection is to restrict the persons who can sell liquor wholesale.

Hon. Mr. LOUGHEED—Why should the distiller and the brewer be allowed to sell liquor wholesale in a proclaimed district? I think we should strike out the subsection. You give the brewer and the distiller a monopoly of the whole district.

Hon. Mr. SCOTT—The Act prohibits the sale of liquor in the proclaimed district, except under doctor's orders.

The clause was adopted.

On clause 5.

Hon. Mr. SCOTT—The change in this clause is to enable the officer who seizes a person in possession of intoxicating liquor, to bring him forthwith before the commissioner or justice who issued the search warrant.

Hon. Sir MACKENZIE BOWELL—The object I suppose is to avoid delay. Under the law as it stands the person might be summoned.

Hon. Mr. LOUGHEED—The seizing officer need not have witnessed the offence, but so long as he knows a person to have controvened the Act he may arrest him. It seems a high-handed proceeding, and I doubt the propriety of passing legislation of this kind. The suspected person may be a very respectable man, and he is liable to arrest without knowing why he is arrested.

Hon. Mr. SCOTT—No respectable dealer would be selling liquor in a proclaimed district.

Hon. Mr. LOUGHEED—But a man may be arrested who has not sold liquor.

The clause was adopted.

Hon. Mr. COX, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

## THE PRINTING OF THE INSURANCE COMMISSION REPORT.

### MOTION.

The Order of the Day being called :

Resuming the adjourned debate on the amendment of the Hon. Mr. Ellis to the consideration of the third report of the Joint Committee of both Houses on the Printing of Parliament.

Hon. Mr. LANDRY—I have seen a few of our friends with regard to the matter brought up in the discussion yesterday and we have decided to oppose the amendment. We do not need to have the evidence translated and printed in French. We will accept it in English. The translating and printing of four large volumes involves an expense which is not justified.

Hon. Mr. POWER—I must say that the argument of the hon. member from Stadacona has quite convinced me. I do not think the House would be justified in going to an expense of thousands of dollars for the translation and printing of four large volumes, when the people for whom it is supposed to be intended do not desire it.

Hon. Mr. ELLIS—Of course I feel prompted by what I understand to be the practice with regard to the reports of the Joint Committee on Printing. I am following the decision arrived at in the other House.

Hon. Mr. POWER—Our half of the printing committee is independent of the other half, in a way. The joint committee made a report which was submitted to both Houses. One House has seen fit to amend it, but it does not follow that the other House must amend it.

Hon. Mr. LOUGHEED—If the Commons had adopted a resolution declaring that the documents be not translated into French and we decided to the contrary, in what position would we find ourselves ? The documents would not be printed in French. There is no good reason why this expense should be incurred, particularly as our French people seem to have the good fortune of not falling under the condemnation of the Insurance Commissioners. They seem to have been held immune from all wrong, and, under the circumstances, they feel that they are not further interested in the matter.

Hon. Mr. BEIQUE—I quite agree that the translation of the evidence would serve no useful purpose. It would be a needless expense. I think the translation should be limited to the report of the commission. Those who may require to refer to the evidence are people who can read English and it would be unfair to put the country to such a large expense as the translation and printing of a French edition of four large volumes of evidence would involve.

Hon. Sir MACKENZIE BOWELL—Is the motion in amendment simply to conform to what has been done in the other House ?

Hon. Mr. ELLIS—The hon. gentleman behind me has moved the adoption of the report, and I have moved the amendment which was adopted in the House of Commons. I believe it is the rule—at all events we have followed it since I have been on the Printing Committee—that the Senate always waits until the other House has adopted a report of the Printing Committee before we adopt it here and we concur in what is done by the Commons. I feel bound therefore to press the amendment, but I am perfectly indifferent as to the result.

Hon. Mr. LOUGHEED—Whether we adopt the amendment or not, it is possible that the evidence may be printed in French. As I understand it, the practice of the Printing Committee has been to print all documents, in both languages, and I fail to understand why it should be necessary to move an amendment to the report that the evidence be printed in French. That would be simply reaffirming the practice, which, as I understand from the hon. senator from St. John, has always prevailed.

Hon. Mr. ELLIS—I think the hon. gentleman is right.

Hon. Mr. LOUGHEED—If I am right, we have simply to reject the amendment and it will leave the practice of the committee

in force. If the House does not wish to have the evidence translated and printed in French it should affirm that by resolution.

Hon. Sir MACKENZIE BOWELL—As I understand the report of the Printing Committee, it is that the report of the commission be not printed, then all we have to do is to adopt that report.

The amendment was rejected.

Hon. Mr. ELLIS—The committee consider every document laid before parliament; some documents they decide to print, some not to print, and the decision is based upon the value of the document, and the fact whether it is printed already. If it be printed already, a marginal note is made 'printed already,' but that carries with it the idea that it has been printed in both languages. The question came up in the House of Commons that this report had been printed and distributed in one language. The gentlemen who desire to have it printed in both language complained of that, and the leader of the House for the time being, admitted the justice of the complaint. The difficulty was got over by directing that the document be printed.

The report was adopted.

## RAILWAY ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT—The Bill in its present form consists of three clauses. The first authorizes the Board of Railway Commissioners to call on the Minister of Justice to appoint a counsel to attend the board on the investigation of some particular inquiry. The cost of the counsel is to be paid out of such fund as the board may direct. It may be paid by either party, or by the Department of Finance, which party, in the opinion of the board, it ought to be. The next clause relates to the deposit of mortgages which, as hon. gentlemen know, are usually deposited with the Department of the Secretary of State. Evidently some of the companies are in trouble over the filing of those papers, because it makes provision here that the filing there should be sufficient unless in this special Act some authority or direction has been given for the filing elsewhere, and then there is a saving clause that wherever there is a suit at present pending on that subject, this Act shall not apply. Then the third clause provides that the purchaser should apply to the parliament of Canada at the next following session thereafter for the granting of such an order for an Act of incorporation or other legislative authority to hold, operate and run the railway. It appears that there is a railway down in New Brunswick which was purchased by a New York financier who died the other day. Under the Act he should have applied to parliament to incorporate a new company. The road has rather got into discredit. It has run down. I suppose it has not proved profitable, so the owner of the road is not taking an interest in it and this Bill is for the purpose of forcing him to do it and placing it under the control of the minister. If the owner does not do so, then, within a certain time, the minister may order the road to be closed.

Hon. Mr. LOUGHEED—I would point out an insuperable obstacle to the passing of clause 2. On first blush it would seem that this parliament would have no right or authority to pass clause 2 as against the registration laws of the different provinces. This purposes to take out of the authority of the province a mortgage upon real estate which, under the registration laws of the province, should be registered at the registry office of that province; and, furthermore, on account of public policy it would be extremely dangerous to say that such a mortgage should not be registered as provided according to the laws of the province in which the land lies. Those interested in searching the title of a particular piece of property would naturally investigate the records in the particular registry office where all documents are filed affecting the titles in that particular district; but if this clause be carried into effect, they would have no knowledge of a mortgage which may possibly wipe out all their interest. It would not only lead to confusion, but would be extremely dangerous that a title to land should not appear in its entirety in the records of the registry office in which the land lies. I hope my hon. friend will give some consideration to that particular phase of the difficulty. I should like to see the opinion of the law officers of the Crown on that question.

Hon. Mr. SCOTT—In earlier years, I know where those bonds were issued under the authority of the federal parliament the mortgage was not registered in the particular distrct, but was registered only in the office of the Department of the Secretary of State. We can discuss the subject further at a later stage.

Hon. Mr. LOUGHEED—It might affect the bonds. Certainly land bonds would have to be registered in the registry office, but this deals with mortgages on real estate in the various provinces of the Dominion, and undertakes to say that such mortgages should not be registered.

Hon. Mr. McMULLEN—The point raised by the leader of the opposition is an exceedingly important one. If a man is at liberty to make a mortgage on a guarantee of some undertaking with the Crown, and the deposit of that mortgage with the Crown makes it a first lien on the property covered by that mortgage, that should be known in some way for the protection of the public. Notice should be put on the records of the registry office to indicate that the property was already encumbered. Now, in the face of this Bill, any man might take a mortgage in good faith on a property that had under the provision of this Act, been already encumbered, and he might wake up two or three years afterwards to find that what he had looked upon as first-class security, a first mortgage on real estate, was after all useless owing to the fact that the parties had by bond and indenture conveyed their interest to the Crown subject to a certain redemption. I hope the hon. Secretary of State will see that some amendment is made to the Bill, to give the public notice that they will be protected so that they may not find that the securities they have taken on real estate of that kind are absolutely worthless.

Hon. Mr. POWER—I commend the patriotic spirit shown by the leader of the opposition, because I feel that if this clause goes into operation there will be a plentiful crop of law suits, and in opposing the clause the hon. gentleman is working against his own interest as a lawyer.

Hon. Mr. LOUGHEED—I have always exercised a self-sacrificing spirit with reference to legislation.

Hon. Mr. SCOTT—In nine-tenths of the cases, perhaps a larger proportion, the mortgage filed has reference only to a right of way and station grounds that the company possesses. I am quite aware that it affects some particular companies in the Northwest, where they have land grant mortgages. They are not of the same class at all with the mortgage under which an authority for the issue of bonds takes place, and which is required to be filed in the Department of State. No individual is affected by it, because the company are in possession. It is not land held for a sale but land in actual use, and, therefore, nobody is deceived by it.

Hon. Mr. BEIQUE—It is possible that the clause might require to be amended; but I desire to call attention to this; the question raised by the leader of the opposition came before the Privy Council of England under the Insolvent Act. It was contended that under the provisions of the Insolvent Act dealing with the sale of real estate in the province of Quebec, declaring that such real estate might be sold by an assignee instead of by the sheriff, had the affect of a sheriff's sale, and would wipe out all mortgages and hypothecs and was ultra vires of this Dominion parliament.

The Privy Council held—and the same decision was given in a number of other cases dealing with like legislation outside of the Insolvency Act—that so far as the parliament of Canada was dealing with a subject on which it had jurisdiction, that this question of legislation was merely an accessory of the legislation, and that parliament had full jurisdiction to deal with the matter, although it affected real property. Under that decision the objection would not apply. I call attention to the fact that under the Railway Act there is a provision enabling railway companies to issue mortgages, and declaring that mortgages have to be deposited with the Secretary of State. It is the only provision which is to be found in the Railway Act. It has to be deposited with the Secretary

of State, and this is deemed, and has been deemed by courts of justice, as being all that is required to give effect to the mortgage, and that under that provision it is not necessary to register the mortgage, which is a mortgage under the English form instead of under the old French law of mortgages hypothecs—that it is not necessary to register it in the registry office. I had occasion to consider that question a number of times, and in my own practice it came before the courts, and the courts have considered that it was not necessary to register it in the registry office. The only act of publicity that was required was to deposit it in the office of the Secretary of State. I take section 2, it being in the Railway Act, to refer only to such mortgages as are given by virtue of the Railway Act, and not applying to anything else. For my part I intend to scrutinize the clause more carefully. I have just glanced at it, and if it could have the effect of affecting in any shape or form the vendor's lien or the person who sells the right of way to the railway, I would object to the provision and would ask to have the wording changed.

Hon. Mr. LOUGHEED—The case referred to by my hon. friend of the sheriff's sale determined by the Privy Council would not be a parallel case at all. That was simply a question of procedure, as to the sale having been carried out under the Insolvency Act.

Hon. Mr. BEIQUE—Mortgages, hypothecs.

Hon. Mr. LOUGHEED—That is not a parallel case, in my judgment. I may say to the hon. Secretary of State that all through the Dominion, particularly in the three western provinces, Manitoba, Saskatchewan and Alberta, and where large grants have been made to the railway companies it would be utterly impossible to ascertain the condition of title if the railways did not observe the practice which they at present observe, of registering in the registery office where the lands lie, of any incumbrance against such lands.

Hon. Mr. SCOTT—I quite agree with that.

Hon. Mr. BEIQUE.

Hon. Mr. LOUGHEED—Even all the land grant bonds of the Canadian Pacific Railway Company were registered in the Northwest Territories. Any persons having dealings with the lands, on looking at the registry office were able to ascertain the condition of the title, and as the law then stood it was considered necessary they should so register their land grant bonds, and there will appear to-day on the books of the office, not only the registration of the land grant bonds, but also the discharges which have been given from time to time.

Hon. Mr. KERR—If the law provides a definite place for the registration of a bond upon a railway property, anybody interested in any of the lands, or who is desirous of knowing what the position is, there is provided by the statute a convenient place where that information can be obtained, just as much as if it were left to the general law to say that it should be registered in every registry division. If lands are mortgaged by a railway company, under the provisions of the Railway Act, or under the provisions of the special Act—because in many cases we are dealing with cases where there were special Acts providing for it—then the statute is an intimation to any person interested in that title where to look and see whether there is a mortgage and ascertain what the terms of it are so as to satisfy himself about it. It is just as effective a notice to the public, when the statute names a particular place to cover all the lands along the line of the road, as it is if it is stated it was to be registered in each particular county, and it saves a multiplicity of registering, in so many hundreds of registry offices. You have only to register in one place. The Act simply says that where a place had been designated—the Secretary of State's office for instance—for that purpose it shall not be necessary to register in the local registry office. The statute is, therefore, intimation to all persons interested in the title where to go to ascertain the terms and the extent of that incumbrance. It will be borne in mind that under the Railway Act, power with reference to mortgaging is given by section 138 as to the bonds and debentures which

the company can issue. The section reads as follows :

138. The company may secure such securities by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein; provided that such property, assets, rents and revenues shall be subject, in the first instance, to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

Section 140 of the Act reads :

140. Every such mortgage deed, and every assignment thereof, or other instrument in any way affecting such mortgage or security, shall be deposited in the office of the Secretary of State of Canada, and notice of such deposit shall forthwith be given in the 'Canada Gazette.'

2. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

So that the Railway Act has affirmed the principle which is embodied in this, and which is intended only to apply to the cases which were not covered by the General Railway Act, because of their being contained in special provisions in reference to it. The same rule is applied to all railway companies. At present under our Railway Act, railways making a mortgage have only to deposit it at the place it is received and our law has declared that that shall be sufficient without registration. It will be seen that this section is merely carrying that principle out and applying it to cases which have not been compromised in the general law, because of these being special Acts which conferred this right and might leave in doubt the question whether those mortgages should not be registered in a different way from which mortgages are given under the Railway Act as it stands. It seems to me a most convenient way of assimilating the law.

Hon. Mr. LOUGHEED—But the present Railway Act does not negative the registration in the provinces ?

Hon. Mr. KERR—The section reads :

2. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

That is the Consolidated Railway Act. So that you see our law has recognized the very principle that it has been suggested this law would follow, and it is only assimilating the law with respect to isolated cases which are distinctly covered by the General Railway Act.

Hon. Mr. LOUGHEED—I think this parliament has no right to pass such legislation, and it is a question whether it does not mean that so far as the Dominion government and railway companies are concerned, it is not necessary to register it, but I do not think it goes so far as to negative the registration laws of the provinces.

Hon. Mr. KERR—It provides where the registration should take place, and it is a very convenient way, instead of having a hundred mortgages registered all over the length and breadth of the land. The proposition which is contained in the Bill was advanced and established so far as this parliament was concerned under the General Railway Act, I think it is most inconvenient that railway companies incorporated under the provisions of the parliament of Canada should be in a different situation in the case of one company from the situation in the case of another company, and, therefore, it is desirable to assimilate the law in the way I have pointed out. That is the provision contained in the present Bill.

Hon. Mr. LANDRY—If the contention of the hon. gentleman is right, the only thing to do is to pass a law now saying that we will not comply with the enactment imposed by the provincial law.

Hon. Mr. KERR—No.

Hon. Mr. LANDRY—Because we have a provision in the British North America Act which says that the provinces have the power to deal with property and civil rights. All mortgages on property, by our laws, are to be registered so that everybody in the community will know what the mortgages are, and that protection is taken away by a general Act of this parliament. That is the only conclusion we can come to, if the argument of my hon. friend is correct.

Hon. Mr. KERR—What I pointed out is that by the Railway Act there is express provision to that effect. Now it is contend-

ed, and it has been decided, as fas as I understand, in the cases referred to by my hon. friend from De Salaberry, that under the law which we have respecting railways, that is quite sufficient to justify any provision such as is contained there. This is merely placing all the railways on the same footing. That is practically all it does, and the same language is used in this Bill that is used in the Act. We will all agree that it is right that all the railways should be in the same position, and there is nothing in the Act to determine the matter. If the provinces have the right, and insist upon it, that right can be asserted, and the courts will have to determine; in the meantime, this parliament has determined the principle, and has settled that mortgages given under the authority of this parliament only require one kind of registration.

The motion was agreed to, and the Bill was read a second time.

## QUEBEC HARBOUR COMMISSIONERS BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (159) An Act to increase the bonding powers of the Quebec Harbour Commissioners. He said: I was asked when the Bill came down for first reading to obtain some information with regard to the financial condition of Quebec so far as the harbour commissioners are concerned. I find that many years ago they borrowed the sum of four million dollars, which, with the interest, amounts to one million and a half or two million more—practically six million, that was twenty-five or twenty-six years ago. Three years ago the harbour commissioners were organized and put on a different basis, and since that time they have not only been paying current expenses of the organization but have also paid the interest on the loan they were then authorized to make of $200,000. They ask now permission to borrow to the extent of $800,000. We do not endorse their bonds. We give them no guarantee. We simply give them the authority to borrow, but we do provide that this bond issue will stand prior to the debt of Quebec. That is the only way in which we are affected. I presume the debt is not now collectable, and, therefore, we do not lose anything, practically, by giving them the right to issue bonds on their own responsibility.

Hon. Mr. LOUGHEED—Why are they not collectable?

Hon. Mr. SCOTT—There are not assets to that amount. It is not a liability of the city but of the harbour commissioners, and they only own the docks and frontage of the city.

Hon. Sir MACKENZIE BOWELL—I think it was explained in the remarks the hon. gentleman made when I asked him a question. The advances heretofore made to them have been sunk.

The motion was agreed to, and the Bill read a second time.

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On clause 1:

1. In addition to the amount of two hundred thousand dollars which the Quebec Harbour Commissioners, hereinafter called 'the Corporation,' may borrow under the provisions of section 35 of chapter 34 of the Acts of 1899, the corporation is hereby authorized and empowered to borrow, for the purposes, in the manner, and subject to the conditions in the said section provided, an amount not exceeding in the whole eight hundred thousand dollars.

Hon. Mr. LOUGHEED—Have the commissioners exceeded the bonding power of $200,000.

Hon. Mr. SCOTT—Yes, that has been used up.

Hon. Mr. LOUGHEED—Can my hon. friend say whether this borrowing power is given priority over the claims of the government of Canada?

Hon. Mr. SCOTT—Yes, without that it would not be of any use to them.

Hon. Sir MACKENZIE BOWELL—Does it give priority to the bonds covering the $200,000?

Hon. Mr. SCOTT—No, they cannot borrow unless that was put aside. It is like the Grand Trunk debt to Canada. We allow them to issue bonds. They re-organized under that statute of 1899.

Hon. Sir MACKENZIE BOWELL—Does it affect the $200,000?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—It says they may borrow $800,000 in addition to the $200,000.

Hon. Mr. SCOTT—Yes. It stands second to that.

Hon. Mr. COX—It seems to me that any other bonds they may have issued should rank equally with these bonds. Otherwise it would be an injustice to the bond-holders.

Hon. Mr. SCOTT—They were all issued to the government of Canada and we are allowing our claim to stand aside and they are borrowing on their own account.

Hon. Mr. COX—You are not prejudicing any outside creditor ?

Hon. Sir MACKENZIE BOWELL—If the hon. gentlemaan will read the second clause, he will see the $200,000 and the $800,000 stand on an equality.

Hon. Mr. SCOTT—Yes, quite right.

Hon. Mr. McMULLEN—The Secretary of State tells us that a very large amount has been already loaned to the Quebec Harbour Commissioners, and that we are now giving the power to borrow an additional $800,000 which, virtually, will be a million that will stand ahead of the Dominion debt against that commission. Is there any provision in this or any previous Act that that money will be prudently and properly applied? Is there any control over the commissioners in regard to it ? Is it not spent under the auspices of the Department of Marine and Fisheries ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. McMULLEN—Is there any provision at all to see that the money is properly applied ? From what I have heard of the Harbour Commissioners in the past twenty years, I think there has been money misapplied. If privilege was granted to mortgage ahead what the Harbour Commissioners of Quebec now have, there should be some additional provision to insure that this money will be properly applied.

The clause was adopted.

On clause 2 :

Any sum so borrowed, together with interest thereon, shall be payable by the corporation out of all its property, assets, tolls, rates, dues, penalties and other sources of revenue and income whatsoever, and shall rank as a charge thereon equally with, and have the same precedence in regard to payment as, any amount heretofore borrowed or authorized to be borrowed under the said section 35.

Hon. Mr. SCOTT—I understood first that the $200,000 formerly borrowed took precedence, as I think it ought to have done. However, it is their own affair.

Hon. Sir MACKENZIE BOWELL—Have the holders of the $200,000 bonds given their consent to the borrowing on the same property of $800,000 ? Because it places the original bond-holders in this position : The owners of the harbours and the dues that will be collected will have to be sufficient to pay the interest on a million instead of $200,000. Hence it would affect the first holders of the $200,000 bonds to that extent. Has the consent of the bond-holders of the first $200,000 which have been issued given their consent to be placed in this position ? In all legislation, in the past, the practice has been to ascertain whether the consent of those interested in former obligations have been obtained.

Hon. Mr. COX—The hon. gentleman stated that there were no other bonds outstanding except those belonging to the government.

Hon. Mr. LOUGHEED—Does the hon. gentleman know anything about that ?

Hon. Mr. SCOTT—No, I shall postpone the third reading until to-morrow.

Hon. Mr. LOUGHEED—By chapter 47 of the statutes of 1898, power was given to borrow $350,000.

Hon. Mr. SCOTT—They only borrowed $200,000.

Hon. Mr. LOUGHEED—And, in the following year, authority was given to borrow $200,000. Have they exercised authority under the two Acts and have they borrowed to the extent of $550,000 ? If that be the case, if they are permitted to borrow the further sum of $800,000 and place that $800,000 on the same parity as the two preced-

ing loans, it seems to me it must necessarily decrease the value of the preceding securities to a very considerable extent.

Hon. Mr. SCOTT—I will have to get information on that point.

Hon. Sir MACKENZIE BOWELL—Will it not be better for the committee to rise and ask leave to sit again.

Hon. Mr. GIBSON—The last paragraph, line 9, says :

> And subject to the conditions in the said section provided, an amount not exceeding in the whole $800,000.

Evidently from that it is quite clear they have already borrowed the amount of $200,000, because it says, "In addition to the $200,000 which the Quebec Harbour Commissioners," etc.

Hon. Mr. LOUGHEED—In the preceding year they obtained authority to borrow $250,000.

Hon. Mr. GIBSON—But the question was asked of the Secretary of State if they availed themselves of that power. However, the last paragraph limits it to $800,000. At line fifteen the Bill says :

> And other sources of revenue and income whatsoever and shall rank as a charge thereon equally with, and have the same precedence with regard to payment as any amount heretofore borrowed or authorized to be borrowed under the said section 35.

It is quite evident whatever money they borrow in the future would rank pari passu with the amount they have already borrowed. They will all rank in the same category. I cannot see any reason for postponing the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—No one denies the interpretation put upon this Bill. The question I asked was whether the commissioners had the consent of those who have loaned their money and purchased the bonds for $200,000 and if they had not, will they be affected by the borrowing of $800,000 upon the same securities which they held for the bonds for $200,000 ?

Hon. Sir RICHARD CARTWRIGHT—I think we had better wait until the Secretary of State has obtained detailed information which ought to have been sent up to us, but which has not been.

Hon. Mr. LOUGHEED.

Hon. Mr. McKAY (Truro), from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

It being six o'clock the Speaker left the Chair.

## After Recess.

### CUSTOMS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (165) An Act to amend the Customs Act. He said : The object of the change is to remove friction in respect of petty cash discounts, and to levy duty according to the usual nature of a transaction between the exporter and the importer. If the transaction is on credit, the entry to be made accordingly ; if on a cash basis, the entry to be made on this basis, limiting the cash discount to two and a half per cent, so as to check material variation between the cash and credit value for duty purposes. Petty fluctuations and small cash discounts cause considerable friction which will be mininized by this provision. The principle change, I am advised, is to make it clear that goods should not be entered less than at invoice value, except in case of decrease in price after the purchase. It is fair to assume that the Canadian purchaser does not pay more than the fair market value for the goods he buys.

Hon. Sir MACKENZIE BOWELL—A number of questions arise in connection with these changes which are important. I intimated to the hon. Secretary of State before the House opened, that I would reserve any remarks I might have to make in reference to them until we are in committee, where we can discuss the details more freely.

The motion was agreed to and the Bill was read a second time.

### HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (166) "An Act to provide for further advances to the Harbour Commissioners of Montreal." He said : As hon. gentlemen know, improvements to a very

great extent are being made along the river front of the city of Montreal, and an application has been made for an advance not exceeding three million dollars to the harbour commissioners for the purpose of completing the works now in progress. This Bill authorizes the Governor in Council to advance the money from time to time as required, the harbour commissioners depositing bonds of the city bearing three per cent interest. The harbour commissioners are not in arrear in any way ; they have regularly paid the interest on their debentures. So far the country has not sustained any financial loss by the advances.

Hon. Mr. LOUGHEED—Why fix the rate at three per cent ? The government cannot borrow money at three per cent ?

Hon. Mr. SCOTT—That was the rate fixed when we were borrowing.

Hon. Mr. LOUGHEED—It is equivalent to a loss of one per cent.

Hon. Mr. SCOTT—I do not think it is one per cent, because the value of money is changing.

Hon. Mr. LOUGHEED—I venture to say that the government cannot borrow money in the Europe markets at less than four per cent.

Hon. Mr. SCOTT—Canada three and a half per cent are at a slight premium. Even if there was a loss, it is a very small contribution for the people of this country to pay, when they get the benefit of it in the decreased cost of importing.

Hon. Mr. LOUGHEED—When the government of Canada undertake to raise two hundred millions for the Grand Trunk Railway, and rent the National Transcontinental Railway at three per cent, and advance this money to the Harbour Commissioners of Montreal at three per cent, and other large sums to other friends of the government, the loss in interest will amount to a substantial sum.

Hon. Mr. SCOTT—This is not a loan to friends of the government. The late government of Canada loaned money to them freely. The Harbour Commissioners and the city of Montreal make no profit from this expenditure. It means quicker transportation and cheaper cost of freight for the people of Canada.

Hon. Mr. LOUGHEED—On that principle, you may as well give them the money.

Hon. Mr. SCOTT—The charge is on the goods imported into this country.

Hon. Mr. FERGUSON—It would be interesting to have information with regard to the present state of our transactions with the Harbour of Montreal.

Hon. Mr. SCOTT—The commissioners have never been in arrears.

Hon. Mr. FERGUSON—I presume the hon. gentelman means in the matter of interest ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I know we have been making loans to them time and again. Is there a sinking fund provided for the redemption of that debt ?

Hon. Mr. SCOTT—I do not think it.

Hon. Mr. FERGUSON—That is information we ought to have. I would take no narrow view with regard to the harbour of Montreal. It is our national harbour, and of the greatest possible importance to Canada and should be dealt with liberally. At the same time, we ought to know, when we are passing legislation of this kind, how many loans there are outstanding. My hon. friend says no interest is in arrear ; I think that is very creditable ; but we ought to know what amount has been loaned to the commissioners and whether any fund is being created for the redemption of the debt. There is certainly a great deal of force in what the hon. gentleman from Calgary has said with regard to the financing of the present government. An enormous amount will have to be borrowed in the very near future for the purpose of building the National Transcontinental Railway, and whatever the money may cost, or whenever the day may come when the interest will be paid on the cost of the eastern section—and I think it will be a long time—it will be only three per cent. It is now almost a certainty that we will be borrowing money for the purpose of building that railway at more than four per cent. That may have been a very bad bargain—I think it was—but I would not apply the same objection to the harbour of Montreal.

Hon. Mr. McMULLEN—It is a matter of great national importance to Canada that Montreal harbour should be improved for the benefit of the entire people of the country, and if we do lend them money, even at a lower rate than it costs us, if it is well and judiciously spent, I think it is in the interest of the country that we should do so. Montreal is virtually to this country what Liverpool is to England, the great inland port of the country. I hope that it may continue to improve, but I have my doubts as to whether the St. Lawrence will maintain its present depth and before many years it is possible that very large amounts of money may have to be spent to deepen the channel. We know that the state of New York is constructing a ship canal virtually from Buffalo to Albany that will carry off a great deal of water. A similar diversion is being made at Chicago, where another large ship canal is contemplated to connect Lake Michigan with the Mississippi. These great canals will divert so much water from their natural channel that the volume of water in the St. Lawrence will no doubt be reduced. When that happens the deepening of the channel of the St. Lawrence will be necessary. In the meantime we are bound to do all we can to keep up the efficiency of the port of Montreal. I had an opportunity last year of inspecting the harbour, and was pleased to see the extensive improvements that were going on and to note the increasing commercial importance of the city. The trade of this country and of the west will grow quicker than the Harbour Commissioners of Montreal and Quebec will be able to handle it, so that we should be inclined to encourage the development of those harbours and increasing the depth of water. The harbour of Montreal does not belong to Montreal alone, but to this entire Dominion from east to west. It belongs to the Dominion and it is the great port of the Dominion, and as such we want to see it kept in a condition to handle the trade of this country. But we want to see the money carefully spent, and I hope the government will see that it goes into the hands of men who will take care that it is properly spent.

Hon. Mr. LOUGHEED—Can my hon. friend say whether the three milion dollars provided for in 1903, under chapter 36, was advanced to the harbour commissioners? This, I understand, will make a loan of practically six million dollars.

Hon. Mr. SCOTT—There were a great many loans, I could not tell you the amount. The aggregate must amount to eight or ten millions.

Hon. Mr. LOUGHEED—Let me point out to my hon. friend the prodigality, if I may so term it, of the government making this loan at least one per cent less than it can be borrowed by Canada in the markets of Europe. A loan of three million at three per cent, providing we have to pay four per cent for twenty-five years, means a gift of $750,000 to the Harbour Commissioners of the city of Montreal. In other words, we are making to them a gift of twenty-five per cent, practically, of the loan. Under the loan provided for in 1903, three millions at three per cent for twenty-five years and three millions under the Bill now before us for twenty-five years, would represent one million and a half. One million and a half dollars' loss upon a six million dollar loan is, to my mind, not an evidence of businesslike ability on the part of the government. It is not by way of philanthrophy or of public spirit that the government of Canada is making this loan to the Harbour Commissioners of Montreal; they are making it on a straight business basis. They are providing that the debentures of the harbour commissioners shall be lodged with the Minister of Finance and receiver general for the amount of the advances by the Canadian government. Is there any reason why, in a transaction of this kind, presumably upon a business basis, the government of Canada should lose a million and a half by reason of not exacting the rate of interest which they have to pay in the markets of the world for money?

Hon. Mr. DOMVILLE—My hon. friend seems to lose sight of the fact of the development of Canada. How much have we on deposit at three per cent? Some six or seven hundred millions.

Hon. Mr. FERGUSON—Oh! oh! oh!

Hon. Mr. DOMVILLE—Six or seven hundred thousand, whatever you like.

Hon. Mr. LOUGHEED—We have not a tenth of the amount the hon. gentleman named.

Hon. Mr. DOMVILLE—Should we not make a debit and credit account of the whole interest in Canada of the money that we pay interest on, and what we put out? If we are borrowing all this money through the savings banks at three per cent, and we have to pay a little more on the other side of the account, average them all up, and contract that with the benefit this loan is going to do to Canada. Is that not a fair argument? You must make an average of the benefits to be derived from the whole thing. If you want to develop the port at Montreal—and I call attention at the same time to the port of St. John, N.B. —we want money there——

Hon. Mr. LOUGHEED—And the Harbour Commissioners of Quebec also.

Hon. Mr. DOMVILLE—Quebec is all right, and so is Calgary? This difference beween 3½ per cent and 4 per cent interest is not to be compared with the very great benefit that will accrue to the country in the port of Montreal and elsewhere by the development of that port.

Hon. Mr. BEIQUE—The hon. leader of the opposition is criticising this loan I apprehend, because he is not aware of the object of it. This loan is intended, and it is required to be spent exclusively for the purpose of building sheds in order that the goods intended for the west, instead of being kept for eight, ten or fifteen days before being shipped to the west, may be shipped immediately. That is one of the objects. Over one milion is required for that purpose, and the balance of the loan is required for building facilities for the railways, so that the railways will be enabled to reach those sheds. The three million dollars are required for these two purposes, —not at all for the purpose of extending the harbour of Montreal, but for the exclusive purpose of providing facilities for the shipping of goods for the country generally, and especially the western portion of Canada.

Hon. Mr. LANDRY—There is nothing for the deepening of the channel.

Hon. Mr. BEIQUE—No, it is not intended to be used for that purpose at all, therefore it seems to me it is in the interests of the country that this loan is made, and it is a fair rate of interest. Even if the government were to lose some part of the interest, they would be merely helping the Harbour Commissioners of Montreal to solve the tranportation question.

Hon. Mr. LOUGHEED—I cannot permit the hon. gentleman from DeSalaberry to place me in the false position of saying that I am opposed to the improvements which are being made by the Harbour Commissioners of Montreal, or opposed to the government making the advances for carrying out any such public enterprise as is in view. The position I take is that this is a straight business transaction. The harbour commissioners approach the Dominion government and say: 'You can raise money more cheaply and readily than we can. We will give you our debentures in exchange for the advance or in other words you cash our debentures.' Now, the government undertakes to advance or cash these debentures for twenty-five years on a basis of three per cent. My argument is that in view of its being a straight business transaction, without philanthropy or assistance entering into the question at all, the government is practically making a gratuity or giving on those two loans of over $1,500,000 to the Harbour Commissioners of Montreal by reason of their want of business ability in not exacting from the commissioners the rate of interest they would have to pay in the markets of the world for money The Minister of Finance, at the close of parliament, will have to go to England for the purpose of negotiating new loans representing thirty or forty millions of dollars. The revenue of the country, in round figures, according to his estimate, will be ninety millions for the present year. The present Supply Bill represents an expenditure of over $120,000,000. That will mean altogether, with the loans falling in, that he will borrow money to the extent of over thirty million. It is conceded by the Minister of Finance himself, I understand, that the loan will not be negotiated for anything less than four per cent at the present time. Then is there any reason why, on straight

business grounds, the government of Canada should advance money to the Harbour Commissioners of Montreal particularly for 25 years, at one per cent less than they could borrow that same money in the market ?

Hon. Mr. SCOTT—My hon. friend's argument is absolutely fallacious, and absolutely without any kind of foundation. The money is advanced to the consumers of Canada. Supposing you charge one and a half millions who are going to pay it ? The consumer must pay it. It adds so much to the transportation of the goods. You will be adding that much to the cost of the transportation which will be charged by the wholesale man to the retailer, and the retailer will charge an increased percentage, because we know in every charge, even for transportation, there is an additional charge made and the consumer pays so much more. The taxpayer would have to pay that money with a considerable increase.

Hon. Mr. LOUGHEED—Why do you not put in the Bill a clause that you are giving them a gratuity ?

Hon. Mr. SCOTT—The harbour commissioners make nothing out of it. It does not affect the city of Montreal.

Hon. Sir MACKENZIE BOWELL—Oh, nonsense.

Hon. Mr. SCOTT—It stands to facilitate the transport of the goods from the ship to the railway.

Hon. Sir MACKENZIE BOWELL—I think we might just as well meet this case fairly and squarely, and admit what the result will be, and justify it if it would be justifiable. This is simply a transaction, not as fallacious as the hon. gentleman indicated that the position taken by the leader of the oposition was ; it is a loan to the Harbour Commissioners of Montreal of three millions at three per cent. That is all there is about it, and we might just as well acknowledge the fact at once, that in loaning it at three per cent the country must expect to lose a half or three-quarters or one per cent upon the transaction. I do not pretend to say that we should not do so, but there is no use trying to blind it over. It is just as plain as the nose on your face,



and it is simply making a gratuity, to the commission, no matter for what purposes it has to be used. The hon. gentleman from Wellington pronounces this a national harbour ; that belongs to the country, and not to Montreal. It is no more a national harbour than is the harbour in Ottawa or Quebec or any other portion of the world. It may be the beginning of the principle of nationalizing the harbour of Montreal and a number of other harbours in the Dominion. When that question arises, we can deal with it fairly and squarely on its merits. I am not prepared to say that Montreal might not be made wholly and solely a Dominion harbour, and relieve Montreal, as a city, altogether of any responsibility or the expenditure connected with it. That may be the beginning of a system which may prevail, and probably will prevail in the future. When the late government came into power, in 1878, there was a large amount of indebtedness incurred in the city of Montreal for deepening of the St. Lawrence some distance below the city, which formed a part ; as argued at that time or a continuation of the canal system, and the government of that day relieved the city of Montreal of the amount, for which they were responsible, that had been expended in the deepening of the channel, because those who have looked at the question at all know that the harbour of Montreal at that time extended a long way below the city. I am not prepared to say just now just how far it was. Perhaps my hon. friend can tell, but since that time it had been restricted—that is the extent eastward down the St. Lawrence had been narrowed—so that really the harbour does not extend so far as it formerly did. That was the beginning of a system or the inauguration of a system for relieving Montreal of a portion of the indebtedness for the harbour, which it had incurred in the general interest of navigation in the St. Lawrence to enable vessels of a deeper draught to reach the city, and then take advantage of the canal system. I have expressed my opinion over and over again as an individual, and as a member of the government, I thought that the policy pursued then was a correct one.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That the time must come, and I think the time will come I hope at least that it will come —when the government of this country will be magnanimous enough to deepen the St. Lawrence away below Quebec where it is necessary to narrow it in order to make the channel safe for the largest class of vessels that sail upon the ocean to reach our inland ports. I am fully in accord with the principle, but when my hon. friend says this loan is not for the benefit of Montreal, I tell him it is just as much for the benefit of the merchants of Montreal as it is for Toronto.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—When the vessels arrive they unload more rapidly. The goods are safe when they are put into the warehouses and the Montreal merchant receives his goods 24 or 48 hours sooner than he could possibly get them under the old system. So that it is not confined to the whole of the western portion of the country. It is not correct to say that this money is expended exclusively to facilitate the western trade. It is for the purpose of assisting every importer who imports a ton or five hundred tons of goods into the city of Montreal, whether it be for consumption in that city or whether it be for the ports of Hamilton, Toronto and the far west to Winnipeg. I am not prepared to say anything against this, but I would rather justify the expenditure of the money for that purpose, and you might as well acknowledge the fact that we are granting a gratuity for the benefit of the harbour of Montreal to the extent of the difference between three and one-half per cent and the rate we have to pay in going into the money markets to borrow it. That is really the fact of the case, and there is no denying it, and we might just as well say so fairly and squarely and justify it. I am prepared to record my vote in favour of the gratuity. I think it is much more honest to go to the people and say: 'We are expending this extra amount of money for the purpose of facilitating trade at the inland seaport of the Dominion,' and I question very much if there is a man who has studied the trade of this country, who desires to see his country grow and prosper, who will begrudge the amount of $740,000, if it costs that, in addition to the interest which the commission will pay. But that does not change the fact, and does not affect the argument of the leader of the opposition. He has presented a plain, business proposition which is incontrovertible and it is not fair for the Secretary of State, neither is it courteous to say that it is a fallacious argument when it is impossible for him to controvert it until he can establish the fact that he can get all the money at three per cent.

Hon. Mr. SCOTT—I agree with my hon. friend, but the statement is fallacious. The money is spent in the interest of the people of this country. I quite admit that the government are paying more, but if you charge the commission with $750,000 it is tacked on to the goods the people of the country consume.

Hon. Sir MACKENZIE BOWELL—That is no argument.

Hon. Mr. KERR—The inference to be drawn from the observations of hon. gentlemen on the opposite side of the House is this : It creates the impression that it is a bonus or gift to the city of Montreal. I do not understand that it is anything of the kind.

Hon. Sir MACKENZIE BOWELL—I did not say to the city of Montreal. I said to the harbour.

Hon. Mr. KERR—But the hon. leader of the opposition said so.

Hon. Mr. LOUGHEED—No, I did not. I spoke of the harbour commission.

Hon. Mr. KERR—I am very glad to hear the hon. gentleman did not say so. I am very glad he put it on broader ground. It is an advantage which is given for the relief of trade, and is to the general advantage of the trade of the country. If Montreal gains an advantage by reason of the accidental situation of the city, so much the better for Montreal and for trade there, but no one is jealous. On the contrary, I think the whole country is proud of the port of Montreal, and anything that will tend to make it a large and prosperous port for the promotion of commerce through

Montreal into Canada and from Montreal out of Canada, I think will meet with the support of the country generally. The money spent by the city of Montreal for the deepening of the St. Lawrence was a local expenditure. It is true they may have thought it was an advantage to build up the port. It is just as much money spent for the advantage of the country at large as in building of the canals on the upper St. Lawrence and on the river. It seems to me, therefore, that it is a wise expenditure and is a fair way of contributing to the relief of the commerce of the country generally, so far as importations are concerned.

Hon. Mr. LOUGHEED—Then the government should say so.

Hon. Mr. GIBSON—With respect to the remarks of the hon. leader of the opposition, I think this calculation was somewhat premature, because he assumes the government is going into the market now to borrow money for twenty-five years. I would give the government of Canada and the Finance Minister credit for more judgment than to borrow money now at four per cent for twenty-five years. We are quite aware that money is high ; but there is no time in the history of Canada when its credit was higher than it is now, and there is no necessity to borrow the money for five years until the stringency is over, and perhaps in that time the government of Canada may be able to borrow at two and a half and in that case they would be gainer. But let that be as it may, how many cities in the different provinces of the Dominion are subsidized by wharfs and other things for the benefit of the trade of the locality ? I consider the benefit that accrues to the harbour of Montreal is of national and far more reaching character than the expenditure at any other port in the whole Dominion. Whatever may be given in the way of assisting the Harbour Commissioners of the city of Montreal to increase their facilities for handling freight and shipping, to increase their storage accommodation, to bring their railway trains down on the wharfs and into the warehouses means the quick transportation of goods, and a reduction in the transportation charges which everybody in the west, even Calgary where my hon. friend resides, will receive a benefit from as well as the people of Montreal. With respect to what was done before, did not the government which my hon. friend supported for many years lend the same commissioners of the city of Montreal money when it could not be borrowed by Canada at the present low rate of interest, and yet nothing was said about it. I consider what the hon. gentleman from Rothesay said is correct, that the people of this country deposit their money by the millions in the hands of the government through the Post Office Savings Bank, and the government only pay three per cent for this money and they can well afford to lend a large national harbour like Montreal money on easy terms. I am not afraid that the government in its wisdom will ever borrow money at the present rate for twenty-five years. My hon. friend might have gone further and said they would lend this money for fifty years.

Hon. Mr. LOUGHEED—The Bill says twenty-five years.

Hon. Mr. GIBSON—But when the market is favourable, they will get it for less than that. It is only the other day the Grand Trunk Pacific floated five millions at par at four per cent. Surely if the National Transcontinental Railway people, through the paternity of the Grand Trunk Pacific and through their board can borrow money to the extent of five millions at the present moment, it is the greatest compliment that can be paid to the securities of Canada when such a corporation can borrow money at this rate when other people have to pay 5 and 6 per cent. I consider that is one of the advantages we have in being recognized as a part of the empire, that the credit of the Dominion is in such high favour in the British market that when the time comes for the placing of this loan we shall be able to secure the money at a reasonable rate of interest.

Hon. Mr. POWER—I have nothing to say against the Bill, but I have noticed that more than one hon. gentleman seemed to think that it was, in a sense, the duty of Canada to spend an unlimited amount of money at the Port of Montreal not merely as a loan, but as a gift. That is a proposition as to which there may be some questions. Providence made Quebec the port of the St. Lawrence, and through the en-

terprise of the city of Montreal that port has become in a greater degree than Quebec the port of the St. Lawrence ; still Quebec has already a good harbour, and a comparatively small expenditure there would fit it for the transaction of the commerce of the Dominion. I do not think it is altogether the duty of the parliament of Canada to interfere in a matter of that sort. If Quebec is a good and satisfactory port, so made by Providence, why should Canada spend a great many millions to move the port a little further up the river ? It seems rather the business of the people of Montreal. If they wish to continue to have an advantage over Quebec, it seems to me that it is their business to pay for it and not the business of the whole country.

Hon. Mr. BEIQUE—Why did the government of the country incur over one hundred millions of expenditure for the purpose of building canals, if it was not for the purpose of carrying the trade inland as much as possible ?

Hon. Mr. OWENS—I regret that the hon. senator from Halifax should take the narrow view of drawing a comparison between the harbours of Montreal and Quebec. A great deal of the expense of improving the harbour of Montreal was forced upon them. The deepening of the channel of the St. Lawrence was done, not altogether at the request of the harbour commissioners. It was directed by the government, and a great deal of the expenditure was beyond their control. But, as has been said to-day, they have paid interest on all the loans. It might be considered as unfair to make them pay interest on expenditures they did not control. Now, when it comes to a matter whether the rate of interest should be three or four per cent it should not be a consideration when we are all interested in making the port of Montreal, which is really our national port, as convenient and attractive as possible. What the commissioners of Montreal have to pay in the way of interest on their bonds they must obtain from the vessels that enter the port, and we should make the charges as low as possible. The action of the government in lending the money at what we consider a reasonable rate of interest is commendable, and the House should support the Bill.

The motion was agreed to, and the Bill was read the second time.

## DOMINION LAND SURVEYS ACT REPEAL BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (172) An Act to repeal the Act of the present session intituled an Act respecting the surveys of the public Lands of the Dominion and the surveyors entitled to make such surveys. He said : At the time the Bill which it is intended to repeal came up to the House, I announced that it was intended to separate the survey branch from what is called the Dominion Lands branch proper. Hon. gentlemen will recollect there was at that time a Bill called the Dominion Lands Act before the other Chamber. That Bill has been withdrawn, and, consequently, the Act to which I have referred passed this session has to be repealed, because it took the surveyor's branch out of the Dominion Lands Act. Now the Dominion Land Act has not been repealed, and consequently this other Act has to be withdrawn.

Hon. Mr. POWER—This Bill does not go far enough. It just says that the Act which we passed is repealed. Unless I am mistaken, the Act which we passed repealed certain portions of the Dominion Lands Act. If the Act which we passed in the early part of this session repealed any sections of the Dominion Lands Act, then merely repealing the Act passed this session would leave those sections still repealed, and it might be awkward to get along without them.

Hon. Mr. SCOTT—Those clauses are existing now in the Lands Act.

The motion was agreed to, and the Bill read a second time.

## MANUFACTURING OF BINDER TWINE ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (174) An Act to amend the Act respecting the Manufacture of Binder Twine in Canada. He said : The principle of this measure, I think, was admitted some years ago, and I do not know why it has not been continued. In order to prevent the Canadian manufacturer embarking in

the manufacture of binder twine, the government of Washington put an export duty on the manilla fibre coming from the Philippine islands. The only way we could meet the advantage that gave to the United States manufacturer was to give to the Canadian manufacturer a bounty equal to the export duty enacted by congress, practically, against the Canadian manufacturer.

The motion was agreed to, and the Bill was read a second time.

BILLS INTRODUCED.

Bill (171) An Act to amend the Exchequer Court Act.—(Hon. Mr. Scott.)

Bill (175) An Act to amend the Canada Shipping Act.—(Hon. Mr. Scott.)

The Senate adjourned until to-morrow at eleven a.m.

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## SENATE.

OTTAWA, Friday, April 26, 1907.

## MORNING SITTING.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

### THE RESOURCES OF NORTHERN CANADA.

MOTION.

Hon. Mr. POWER (in the absence of Hon. Mr. Davis) moved :

That the sum of one hundred dollars be paid to Mr. E. J. Chambers out of the appropriation of $1,000 made to the Select Committee appointed by this House to inquire and report from time to time as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky mountains, west and east of the Hudson's bay, comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie Territory, its extent of navigable waters, rivers, lakes and sae coast, and Ungava and Keewatin territories, with power to send for persons, papers and records, and to report from time to time, for his services in revising and editing the evidence taken before said committee.

He said : This resolution is to the effect that the sum of a hundred dollars, out of the sum of a thousand dollars, which was practically placed at the disposal of the committee appointed to inquire and report as to the value of the outlying regions of the Dominion, be paid to Mr. Chambers. I may say in the first place that the committee were very economical, which is——

Hon. Mr. PERLEY—Unusual.

Hon. Mr. POWER—A thing to be commended at this time. There was a great deal of evidence taken, and this evidence was in a more or less unreadable form, and Mr. Chambers was requested by the committee to edit the evidence, and he did so in a very reasonable way, and although Mr. Chambers made no claim whatever for any consideration for the work he had done, the committee felt that it would be exceedingly unfair that such good work should go for nothing, and they recommend the payment of the sum of one hundred dollars, which I think is a very reasonable sum to be paid.

The motion was agreed to.

### THE RATE OF INTEREST ON SAVINGS DEPOSITS.

INQUIRY.

Hon. Mr. POWER inquired :

Is it the intention of the government to increase the rate of interest now allowed to depositors in the government savings banks, and if not why not ?

He said : It is a matter for some surprise that the government should be paying only three per cent to depositors when money is worth more than that. At the present time, money cannot be got for three per cent. I understand the statement was made by the Minister of Finance in another place, that the government were paying four per cent for money borrowed from lenders. It seems to me that our own people deserve as much consideration as outsiders do. One of the effects of such a low rate of interest in the savings banks is that the money which otherwise would be placed in the care of the government, and which would be, to a certain extent, available for public purposes, is now invested with private banks and sometimes in speculations not of the safest character. I think this view must appeal to the right hon. Minister of Trade and Commerce, that giving the depositors in the savings banks a reasonable rate of interest, would tend to encourage thrift amongst people whom we desire to see thrifty.

Hon. Sir RICHARD CARTWRIGHT—Of course this is a matter which has been very frequently discussed. It is in the highest degree inexpedient and impolitic that the rate of interest paid by the government on deposits in savings banks should be changed from time to time, unless for very good reasons indeed. Were they to change it, they might disturb the whole commercial fabric of this country. If they raise the rate of interest, the banks must raise theirs, and the whole commercial community may be put to very serious inconvenience. But wholly and entirely apart from that, I am utterly at variance with the hon. gentleman in his idea that the government are paying too little for money at call. At this moment, although it is true that money is tight, the rate which can be obtained on permanent investments of a high class in Canada ranges from three and a half to four per cent, and stocks of banks of the highest standing can hardly be purchased to yield more than four per cent. Municipal debentures of a high class cannot be purchased to pay more than from three to three and three-quarters per cent, if as much, and as the government could easily obtain loans for fifty years at a rate of three and a half per cent, or thereabouts, though they may find it convenient to pay a little more for temporary accommodation in the shape of treasury bonds, there is no ground whatever for saying that the rate of three per cent which is allowed on money at call, that may be withdrawn at a moment's notice, is less than the fair value of money. Circumstances may possibly arise in which it may be necessary for the banks and the government to raise the rate of interest, but at present I do not think there is any need for doing it, nor can I hold out any hope to the hon. gentleman that the rate of interest will be raised.

Hon. Mr. McMULLEN—I fully endorse the statement the hon. Minister of Trade and Commerce has made.

Hon. Mr. POWER—I rise to a question of order. I asked a question, and there can be no discussion on that. If the hon. gentleman is going to discuss it it is open to every member of the House to do so.

The SPEAKER—The point is well taken.

## FRENCH TRANSLATION OF CAMP INSTRUCTIONS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is it the intention of the military authorities to cause to be translated into French, and to distribute in opportune time before the next annual training, for the use of volunteers of French origin, the two pamphlets which are given every year in English to the volunteers of the country, and which embrace, one of them, the syllabus of the daily routine of the troops in camp (Camp instructions), and, the other, the programme of military exercises varying every day, but settled in advance, through which those who take the training of the Canadian militia must pass ?

Hon. Mr. SCOTT—I have only seen the question at this moment, and I am not in a position to give an answer.

Hon. Mr. LANDRY—I suppose the second question will be in the same position?

Hon. Mr. SCOTT—Yes. I have just this moment received the order paper.

Hon. Mr. LANDRY—I think we should not have any more morning sittings.

Hon. Mr. LOUGHEED—We will not have after the end of next week.

The inquiry was allowed to stand.

## KING'S REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY called the attention of the acting Minister of the Militia to the following facts :

I.

On the 24th day of April, 1906, one year ago, Hon. Mr. Landry rose to direct the attention of the government to the following clause of the Militia Act :—

74. The Army Act for the time being in force in the United Kingdom, the King's Regulations, and all other laws applicable to His Majesty's troops in Canada and not inconsistent with this Act or the regulations made thereunder, shall have force and effect as if they had been enacted by the parliament of Canada for the government of the militia, and every officer and man of the militia shall be subjected thereto from the time being called out for active service, and also during the period of annual drill or training under the provisions of this Act, and also at any other time while upon military duty or in the uniform of his corps upon or within any rifle range or any armoury, or other place where arms, guns, ammunition or other military stores are kept, or any drill shed or other building or place used for militia purposes, or during any drill or parade of his corps at which he is present in the ranks, when going to or from the place of drill or parade, and also whether in uniform or not at any

drill or parade of his corps at which he is present as a spectator.

2. Officers and men of the permanent force and members of the permanent staff of the militia shall at all times be subject to military law.

97. The regulations for the composition of courts of inquiry and courts-martial and the modes of procedure and powers thereof, shall be the same as the regulations which are at the time in force for the composition, modes of procedure and powers of courts of inquiry and courts-martial for His Majesty's regular army, and which are not inconsistent with this Act, or the regulations made thereunder.

And inquired of the government—

As the Army Act and the King's Regulations of the United Kingdom become, by these legislative enactments, laws and regulations having force and effect in Canada, does the government intend, in the interest of the militia and for its better government, to provide each commanding officer of a division, of a brigade, of a regiment, of a battery, of a company, or of any corps whatsoever, with a copy, in the English version or in the French version, as the case may be, of these imperial laws and regulations ?

If such is the intention of the government, can the distribution of these books, which are indispensable since they are made imperative, be made before the date of the next training of the volunteer forces ?

Can the French translation of these books be begun at once so that the officers of French origin may have the benefit of these laws and of these regulations at the same time as their English comrades ?

Hon. Mr. SCOTT. The matter is receiving the consideration of the department.

II.

The Militia Act contains the following enactments :—

'126. The Governor in Council may make regulations for carrying this Act into effect for the organization, discipline, efficiency and good government generally of the militia, and for anything requiring to be done in connection with the military defence of Canada.

'127. Such regulations shall be published in 'The Canada Gazette,' and, upon being so published, they shall have the same force in law as if they formed part of this Act.'

III.

Chapter 2 of the Revised Statutes of Canada, which were in force from 1886 to 1907, enacts as follows :—

'9. The Acts of the parliament of Canada shall be printed in two separate volumes, the first of which shall contain such of the said Acts and such orders in council and proclamations or other documents, and such Acts of the parliament of the United Kingdom, as the Governor in Council deems to be of a public and general nature or interest in Canada, and directs to be inserted in the said volume, and the second volume shall contain the remaining Acts of the session, and shall be printed after the first volume; and copies of the said volumes shall be printed in the English and French languages, respectively, by the Queen's Printer.'

And that he will inquire—

Has ever the Governor in Council deemed it to be of a public and general nature and in the interest of Canada to have inserted in the volume containing our own laws that Act of the parliament of the United Kingdom known as the Army Act, and which by our own Militia Act is declared to have force and effect in Canada ?

If so, when was such an order in council passed, and in what volume of our statutes is the Army Act to be found ?

Has ever the King's Regulations in force in the United Kingdom been published in 'The Canada Gazette,' as the obligation is imposed upon us for our own Canadian King's Regulations prior to their having any force in law ?

If so, when did such publication take place, and in what number of 'The Canada Gazette' is it to be found ?

Is the government now prepared after one whole year of consideration, to take the proper steps to have the Army Act and the King's Regulations in force in the United Kingdom, published in our country either in the statutes or in 'The Canada Gazette,' as the case may be, and to have them distributed to the officers commanding the different units of the Canadian militia, and will such a distribution be made before the date of the next training of the volunteer forces ?

I contend that the Militia Act enacts that the Army Act and the Queen's Regulations form part of our own law. But this disposition of the Militia Act takes force provided that in the publication of those English laws you follow the course that is followed by the publication of our own laws. We see by the enactments that I have brought forward, that any regulations passed by the Military Council or by the Governor in Council respecting the militia, to have force of law, to be incorporated in our laws, must first be published in the 'Canada Gazette,' must be brought to the cognizance of the public by printing them in the 'Canada Gazette,' and it is only when that publishing of the regulations is done in the 'Canada Gazette,' that they become law. For our own laws, the Canada laws, the statute provides that they must be published in two volumes, one containing the public Acts and the other the private Acts; but in so far as the public Acts are concerned there is an enactment which declares that the Governor in Council must include in the volume containing them every imperial law which he considers as having any effect or to be of any interest to the Dominion. If our Militia Act enacts that the Imperial King's Regulations and the Army Act shall apply to this country, it follows, as a consequence, that those Acts must be published in our statutes, just in the part of our statutes in which are published all the imperial laws affecting any of the interests of Canada.

This has not been done, as far as I understand, and what is the consequence ? The consequence is that the Army Act and the Imperial King's Regulations are not yet in force in Canada ; which means that the courts-martial, established under their provisions, have no legal status in this country.

Established as they are in virtue of the laws of England, I say that if those courts-martial are to have any value, the laws of England which create them must be made our laws by their publication in the statutes or in the 'Canada Gazette.' If not incorporated in the statutes nor published in the 'Canada Gazette,' as our own laws and as our own regulations are abliged to be published, what happens ? They are by no means regulaly constituted. At the beginning of this session I brought to the notice of this House the fact that early in November last a militia man of the permanent force was taken into custody one day because of a certain breach of the military law of England. He was court-martialled. He was condemned to thirty days' imprisonment at hard labour, because he was not dressed in military clothes on a certain occasion. Although he had a permit or furlough, he was arrested, tried and condemned to thirty days at hard labour in the prison.

But the matter is now in court, with the plea that those regulations of the British army and the Army Act itself, not having been published in this country, or incorporated in our statutes—the King's Regulations have never been published in the 'Canada Gazette,' as is obligatory for our own regulations—they are not in force. We can, therefore, see the consequences of such neglect on the part of the Militia Department if that plea is maintained. This is not a new matter. I brought it up last year and the year before. The Militia Department was duly notified but no action has been taken. I went further; I pointed out last year to the hon. Secretary of State, who was not then the Acting Minister of Militia, the obligation imposed by section 128 of the Militia Act to lay before parliament within the first fifteen days of the session each year, all the regulations made by the Military Council and to deposit them on the Table of this House. Has anything of the kind been done this session? Nothing, although it is obligatory, according to the terms of the Militia Act. This naturally raises the question of the translation of those regulations, because if they are published in the 'Canada Gazette,' they must be translated, and if they are to be included in the statutes of this country, by the same authority they must be translated, so that every officer in the militia can have the advantage of them in the language with which he is most familiar. Last year, on the 30th May, after some discussion had taken place in this House, I wrote the following letter to the premier :

(Translation.)

To the Right Honourable
Sir Wilfrid Laurier,
Prime Minister of Canada,

Sir,—Will you allow me to draw your attention to the following sections of the Militia Act (4 Ed. VII., ch. 23) :

'126. The Governor in Council may make regulations for carrying this Act into effect, for the organization, discipline, efficiency and good government generally of the militia, and for anything requiring to be done in connection with the military defence of Canada.

'127. Such regulations shall be published in the 'Canada Gazette;' and upon being so published, they shall have the same force in law as if they formed part of this Act.'

In virtue of these two sections of the Militia Act, the obligation falls on the military authorities, to publish in the 'Canada Gazette' the rules, regulations or orders which they think necessary to enact.

In conformity with this obligation, the 'Canada Gazette,' in the number of the 29th October, 1904, contains in a supplement, under the title of Regulations and Orders for Militia of Canada, 1904, the orders and regulations adopted on the 28th October, 1904, by the Governor General in Council, in virtue of section 126 aforesaid.

On the 25th September, 1905, that is to say, after a delay of nearly eleven months, the 'Canada Gazette' published the French translation of these regulations and orders.

The translation into French of the Acts of parliament and of every parliamentary document is an obligation imposed by our constitutional Act, the British North America Act, section 133, and by chapter 2 of the Revised Statutes of Canada, 1886, section 9.

On the 5th May, 1906, the 'Canada Gazette' published, in English only, in its supplement, under the title of Regulations Respecting Pay and Allowances, revised regulations concerning the pay of the militia.

I asked on the 17th of May :

'Whether it is the intention of the government to order the immediate publication in French in the 'Canada Gazette' of the revised Rules and Regulations concerning the pay and allowances of the Canadian militia, which Rules and Regulations have been lately published in English in the 'Canada Gazette,' on the 5th day of May last ?'

Speaking in the name of the government, the hon. the Secretary of State informed me that

the Department of Militia and Defence had just sent him the answer: 'No'; and in the course of the debate which ensued I received the additional information that this answer bore the signature of the Deputy Minister of Militia, Colonel Pinault.

I must cause it to be observed that my question was addressed to the government, and not at all to the Department of Militia and Defence, to which I deny the right of deciding whether, contrary to the law and to the constitution, a document may be withdrawn from the obligation there is to publish it in French.

You are the head of the government. I address myself to you in order that, without delay, our compatriots of the province of Quebec may obtain justice, and I demand of you your intervention to that effect.

It would be unfortunate that it should be believed in certain quarters that there is question here of a favour when we are doing nothing but claiming our right?

I dare to hope, Mr. Premier, that a word from you will bring everything back to order, and that our French militiamen will have, in time for the next training, the translation into their language, not only of these regulations but also of the syllabus specially prepared for the daily routine of the camps.

I send you No. 81 of the Orders for the Militia which contains the syllabus in question. You will see how small is the work of translation which is asked for, and you will feel that the men who refuse to give, at such small cost, this satisfaction to the militiamen of the province of Quebec, deserve, assuredly, that your intervention shall bring them back to an idea of their duties.

Believe me to be, Mr. Premier,
Your most humble servant,
(Signed). P. LANDRY.

The hon. minister just acknowledged receipt in the following words:—

Sir,—I have the honour to acknowledge receipt of your letter of yesterday, which I will immediately transmit to the Department of Militia.

Truly yours,
WILFRID LAURIER.

On the same day, he wrote to the Deputy Minister of Militia, Col. Pinault, this letter:

My Dear Pinault:

I address you the letter which I have just received from Senator Landry, and my answer. Will you give me further details on the subject.

Truly yours,
WILFRID LAURIER.

I regret to say that instead of discussing the matter on its merits, Col. Pinault forgot to give the details asked for but indulged in the tu quoque argument saying that they were merely doing what Conservative governments had done in former years. I shall not translate his letter, but that is the substance of it.

Hon. Mr. SCOTT—All I can say to the hon. gentleman is that I am not sufficiently conversant with the militia affairs of this country to answer the questions he has asked. I regret very much that the department has not treated the hon. gentleman with the courtesy which I think he is entitled to. No reflection can be made on him for introducing a subject of the kind even at this period of the session. I should be glad if the hon. gentleman would furnish me with a copy of the correspondence, and his remarks, and I will send them to the department with my own comments on the course that has been pursued in the past. The regulations or orders in council affecting the matter should be published in both languages. Not taking any interest in military matters myself, I am utterly ignorant of the subject. I take no interest whatever in it. I hate military matters. It means death and destruction. Nations will come to their senses, perhaps, in another half-century; but at present they are blinded by association with the past, and, therefore, I must be pardoned if I do not know anything about the subject, and do not hope to know anything about it in the future. Any information I can procure for the hon. gentleman I shall be glad to give him.

Hon. Mr. LOUGHEED—My hon. friend, for two sessions, has asked this concession from the government, and it seems but reasonable that it should be granted. I would remind my hon. friend, the Secretary of State, and also the government, of the story of a certain unjust judge who was importuned by a certain woman for justice, and by reason of her importunities her request was acceeded to.

Hon. Sir RICHARD CARTWRIGHT—That comparison is not fair to my hon. friend from Stadacona. You are not going to compare him with an old woman.

Hon. Mr. YOUNG—Why not have these regulations printed in both languages?

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. YOUNG—It would be a matter of great convenience to those who require

to use them. Another year has gone by without this being done, and an effort should be made to put all officers, English and French, in possession of these regulations.

Hon. Mr. LANDRY—I suppose the last part of the question will stand?

Hon. Mr. SCOTT—Yes. It has been absolutely impossible for me, with two sittings a day, and the House sitting here pretty late at night, to get information of that kind. I do not profess to be equal to it.

Hon. Mr. YOUNG—Would it not be well towards the close of the session to have deputy ministers in attendance, so as to assist in clearing up the order paper ?

Hon. Mr. LANDRY—I will not delay the House by waiting for an answer.

Hon. Mr. GIBSON—Perhaps it might produce a more practical result if a motion were made, because I think every member on both sides is in sympathy with the position taken by the hon. gentleman from Stadacona. As the hon. Secretary of State says, he ought to be treated with the courtesy which his official position, as head of his regiment, deserves. If the Senate, by resolution, demanded this thing as a right, it would be effective. There should be no unfair treatment to one class of citizens as compared with others.

An hon. MEMBER—Hear, hear.

## RAILWAY ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (75) An Act to amend the Railway Act.

(In the Committee.)

Hon. Mr. LOUGHEED—I would direct the attention of the hon. Secretary of State to the extraordinary fact that this Bill as it came to us from the House of Commons contained but three clauses; but in the reprinted form several other clauses have been added, and it is absolutely a new Bill.

Hon. Mr. SCOTT—It is a mistake of the Printing Bureau which I will explain. When several hon. gentlemen spoke to me yesterday about a long amendment to be introduced in the Bill—it had been submitted I understood to the Department of Justice and the railway authorities—I said it ought to be printed; otherwise it would be impossible for the House to understand it. It embraced what are now clauses 4, 5, 6, 7 and 8, a good deal longer than the Bill itself. I sent the amendments to the Bureau to be printed, but they had no instructions to tack them on to the Bill at all. By mistake they put them in the Bill.

Hon. Mr. POWER—What is the Bill that originally came from the Commons?

Hon. Mr. SCOTT—The original Bill was the first three clauses of this reprinted Bill, so we will ignore the other clauses altogether until they are moved.

Hon. Sir MACKENZIE BOWELL—It is impossible to go on with this Bill in its present form. I remember something of the kind occurred two or three years ago. A Bill came from the Railway Committee with numerous changes, purporting to have been made by the committee, but which had not been made. The consequence was that they were withdrawn at once, and notice was given that the amendments would be moved at the third reading of the Bill. That is the only way we can possibly consider these amendments. We have before us a Bill purporting to come from the House of Commons, which is not the Bill at all. If legislation of this kind is to be permitted, where will we find ourselves? We may have the most obnoxious and objectionable clauses added by somebody without the slightest authority. If the hon. gentleman insists upon going into this, I shall raise a point of order, and ask the Speaker to decide as to whether this Bill should be considered in its present form.

Hon. Mr. KERR—The Bill which came from the House of Commons is on file, Bill No. 75. The other document was distributed through a mistake that was made, and there is no reason why we should not proceed with the Bill now.

Hon. Sir MACKENZIE BOWELL—My hon. friend informs the House that the Bill now in the chairman's hands is the Bill which was originally presented to parliament, and not the one to which the Secretary of State refers. Then the next objec-

tion would be that we cannot well consider these amendments, unless certain notice has been given of them. I noticed yesterday that a number of typewritten copies of this amendment had been circulated amongst a few members of this House. What they contained no others knew, but there were two or three favoured ones who had them in their possession, I asked them what they meant and I was told they were certain amendments which were proposed to be added to the Bill, and here we find them printed and laid before parliament.

Hon. Mr. LOUGHEED—It is this Bill which we have on our file that we are dealing with, entirely independently of the other document.

The SPEAKER—The document to which reference has been made contains a reference to proposed amendments.

Hon. Sir MACKENZIE BOWELL—This course is not only irregular but highly improper.

Hon. Mr. SCOTT—I quite admit that. The fault lay at the Printing Bureau. I sent the amendments to the Bureau to be printed for the convenience of members, and there was no authority whatever to insert them in the Bill.

Hon. Mr. FERGUSON—We will simply ignore them altogether.

On clause 1 :

1. The Board of Railway Commissioners for Canada may, in any application, proceeding or matter of special importance pending before it, if in the opinion of the board the public interest so requires, apply to the Minister of Justice to instruct counsel to conduct or argue the case or any particular question arising in the application, proceeding or matter as to any public interest which is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the board, or of his own motion, the Minister of Justice may instruct counsel accordingly; and the board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or matter, or by the Minister of Finance out of any unappropriated moneys.

Hon. Mr. FERGUSON—I am afraid that this is a very serious departure. One of the conditions that was pointed out when we established the railway board was, that the board would arrive at its conclusions without the interference of lawyers. Now we have a provision which permits, to an unlimited extent, the employment of counsel, and there is the fullest power to the board with reference to costs and the payment of counsel. Under this clause the minister can, of his own motion, without any application from the commission, appoint counsel to appear before the board. I can understand that there might be some occasion in which a great public question was involved, in which the public interest might demand the employment of counsel, but, if I am able to understand this section, it opens the door absolutely. I think this ought to be very well understood before we proceed further with it.

Hon. Mr. DANDURAND—It has been the uniform practice since the board was appointed, that all parties interested are represented by counsel, and sometimes it is of considerable importance to the government of Canada that the government should be represented on applications before that board.

Hon. Mr. McMILLAN—Do I understand counsel is to argue on behalf of the Crown as well as of the individual ?

Hon. Mr. YOUNG—In the public interest —that is the word used.

Hon. Mr. McMILLAN—Supposing a private individual goes before that Railway Commission with a very important case, and is not perhaps able to procure good counsel, can he call upon this counsel appointed by government to act for him ?

Hon. Mr. YOUNG—If the question is of such a character that it may be of public interest ; I think it would be at the discretion of the board.

Hon. Mr. SCOTT—It is in matters of special importance to the public, and at the instance of the board commissioners, and they, naturally, in fixing the payment of the costs, impose them on the party who is the most culpable. Now, to give an illustration : Pressure is being brought to bear to have the question of the Bell telephone brought before the board. Is it in the public interest or not, when that ques-

tion comes up, that Canada should be represented by the most able counsel that can be obtained ? We know very well that unless some one works up a case, unless they go into details and give a history of it, that the board of commissioners cannot appreciate the full facts. You must have counsel. If it were not for the legal counsel before the Insurance Commission, do you mean to say one-tenth of the evidence which was adduced would have been obtained ? In an important case it is absolutely necessary that all the facts connected with it should be exposed before the public. The board then are in a much better position to decide.

Hon. Mr. LOUGHEED—It seems to me, so far as I can recall the discussion which took place upon the introduction of the Railway Bill by the government, it was pointed out in regard to the appointment of the chairman of the board that he must be a gentleman eminent in the law, so as to dispense with the necessity of counsel appearing before the commission, to represent the public interests. I recall that at that time it was pointed out that Mr. Blair was a very able lawyer, eminent in railway law, and it was for that reason he was appointed chairman of the board. It was similarly pointed out when the present Chief Justice Killam was taken from the Supreme Court, that he was so eminently qualified in law that it would obviate the necessity of the public interest being represented by counsel. I remember those arguments were used in support of appointing a lawyer to the chairmanship of the Railway Commisison. Hon. gentlemen will recall the discussion that took place as to why a lawyer should be appointed chairman of the board, and this was the answer given. It would look very much as if the design of this Bill was to place further patronage in the Department of Justice. The board is not to have any decision as to the counsel they should employ, but they must make application to the Minister of Justice. He may have no familiarity or knowledge as to the class of counsel required, but it is left with him to say what counsel shall appear to represent the public interest before the Board of Railway Commissioners. If this were to be intelligently done, it strikes me it could be much more satisfactorily done by the Board of Railway Commissioners having the authority to appoint counsel, and it would dispense, to a very large extent, with the suspicion that it is a Bill passed with the intention of giving some particular or favoured counsel work at the hands of the Department of Justice.

Hon. Mr. YOUNG—My hon. friend must suggest that the Board of Railway Commissioners are inclined in the first instance to find jobs for some counsel who is favourable to the government, because the application must originate with the Board of Railway Commissioners in the first instance.

Hon. Mr. LOUGHEED—No, the minister, of his own volition.

Hon. Mr. FERGUSON—It should read something like this :

Whereas Mr. Shepley, K.C., of Toronto, eminent King's counsel, is at this time out of a job, therefore it is enacted, &c.——

Some hon. GENTLEMEN—Oh, oh.

Hon. Mr. GIBSON—I think it is most unfair to mention the name of a gentleman who is not here and is not able to defend himself, and for the hon. gentleman to take advantage of his position in this Chamber to make such a statement in relation to a gentleman of Mr. Shepley's standing at the bar, is unjust. I think if the hon. gentleman was as well acquainted with Mr. Shepley as he is with other matters, he would not have made such a remark. There is no more honourable man than Mr. Shepley at the bar, and I do not think my hon. friend should make such a suggestion. The whole contention is that somebody else should have the privilege of naming counsel to act before the Railway Commission. I suppose it is only when a case of supreme importance is before them that they will ask that counsel be employed on behalf of the Crown. Surely it is a reasonable request. There is not a department of the government service today which has not legal advisers, and, beyond that, when a question arises, it is sent to the Department of Justice for their opinion. The Railway Commission must have power given to them to ask for counsel.

Hon. Mr. FERGUSON—I deny the right of the hon. gentleman from Beamsville to read me a lecture across the floor of the House as to the decorum or etiquette of any remarks I may address to this House. My remarks have been strictly in order. They are remarks which I have a perfect right to make.

Hon. Mr. GIBSON—No.

Hon. Mr. FERGUSON—I decline to accept my hon. friend as an authority on this or on any matter of the kind. I think I know my rights and privileges in this House as well as the hon. gentleman does. Mr. Shepley has been intimately connected with this government in the matter of commissions and employments, I see that he was despatched to do another piece of work not long ago, and perhaps I was wrong in saying he was out of a job. There does not appear to be much danger of his being left out of employment by the Minister of Justice. That is a matter that is notorious. If this clause was drafted in this way, that the Board of Railway Commissioners should, when they saw the public interest was involved, be given power to require the employment of counsel, I should have no objection to it. From what I know of Judge Killam, and from all I have been able to learn about him, he is a very eminent and able man, and I have not the slightest doubt if it were left to him nothing would be done but what should be done in the public interests; but when you find the door open that the board may make application to the Minister of Justice—and you go further and provide that the Minister of Justice on his own motion can proceed to do this, although the board may not have asked for it, is going too far. I do not think application should be made to the Minister of Justice at all, and I certainly think the Minister of Justice should have no power to move on his own account. It should be removed from the domain of government patronage, and the employment should be done directly by the Board of Railway Commissioners.

Hon. Mr. POWER—I think no doubt the hon. gentleman from Marshfield was within his right in referring by name to the eminent counsel in Ontario, but considering the long experience of the hon. gentleman in public life, and the important and dignified position which he holds in the Senate, it would naturally surprise the younger members of the House at any rate that he should set an example which, if followed extensively, would have a bad effect upon the debates and proceedings of this Chamber. As one of the seniors of this Chamber, I feel a regret that he should have taken that line. I think he is just one of the hon. gentlemen who should give to the younger members of this House an example of impersonal discussion, and that he should keep himself above the level of party feeling and personal politics. An hon. gentleman says that he cannot. We do not expect him to do it if he cannot, but I think he might make an effort. With respect to the clause before the committee, if we read this clause carefully, it does not seem to me to be open to all the objections which have been made to it. In the first place, it is not stated that the Board of Railway Commissioners shall make an appointment. The clause says the Board of Railway Commissioners may in any application or matter of special importance pending before it, if, in the opinion of the board, the public interest so requires, apply to the Minister of Justice to instruct counsel to conduct or argue the case on any particular question arising in the application, proceeding or matter, as to any public interest which is or may be affected thereby, or by any order or decision which may be made therein. The criticism made by the hon. gentlemen in the opposition upon this is that the commissioners should not ask the Minister of Justice to appoint a counsel, but that they should appoint him themselves. The commission occupy a judicial position. The chairman was a very eminent judge before he became chairman. Now do hon. gentlemen think that when matters in which the public interests are concerned come up in any of the superior courts of the country, whether it be the judge on the bench, or if it be a full court, that the judge makes the appointment, as a rule?

Hon. Mr. LOUGHEED—Yes, it is frequently done.

Hon. Mr. POWER—Excuse me, not as a rule in the Supreme Court. If a criminal matter comes up, he may appoint a counsel, but, as a rule, the political legal authority makes the appointment, and I think it is not a desirable thing to put the patronage in the hands of the commission. At any rate, the almost uniform rule is, that were the public interests are affected, the government who are responsible to the public make the appointment, and I fail really to see any reason for suspecting that there would be anything improper in this case, and if the government never make any appointment more to be criticised than the appointment of Mr. Shepley, then there will be no ground for finding fault.

Hon. Mr. FERGUSON—I am not surprised that the hon. gentleman for Halifax, in a rather indirect way, rebuked the hon. gentleman from St. Catharines, and admitted that I was quite within my right in making the reference which I did. I may just say, in passing, that I feel that probably I have not performed my duty in this House in allowing the session to close without calling the attention of hon. gentlemen in the most emphatic way I can to what I consider to be the gross abuse of his position by Mr. Shepley as counsel for the Insurance Commission. I have no right to take all the responsibility upon myself, but I think the matter should be mentioned, if it were only to point out the manner in which Mr. Shepley, as counsel for the Insurance Commission, went far afield on a fishing expedition, to try if he could not possibly in some way or another connect the name of Mr. R. L. Borden with some land transactions. Nothing could show more the object and motive of the man, and I have no hesitation in saying that in that respect, as indeed——

Hon. Mr. KERR—I rise to a point of order, and I ask the chairman whether it is in order on this Bill to discuss the Insurance Commission ?

Hon. Mr. FERGUSON—I am replying to what the hon. gentleman from Beamsville has said. However, I have said all I desire to say in regard to it, and it is quite apropos in discussing the Bill, to point out what abuses may arise under it, and in doing so we are quite within our right in showing what abuses have occurred in the past, and pointing out how they may occur in the future.

Hon. Mr. GIBSON—I am glad the hon. gentleman from Halifax was able to put me right, because the hon. gentleman from Marshfield had failed to do so, and he has gone further afield than he should have done. It is not for the emoluments attached to his work that Mr. Shepley is employed by the government. He does not require the emoluments that come to him from the government. He is a man who occupies such a position at the Bar that it is a compliment to the government when he is employed.

Hon. Mr. FERGUSON—Did the hon. gentleman ever see lawyers who did not want emoluments ?

Hon. Sir MACKENZIE BOWELL—I think a little lecturing now and again will do us good. We are apt to go beyond the bounds of parliamentary etiquette ; therefore when it is administered to me I take it very kindly. The hon. gentleman from Halifax gave me a rap a little while a go. An hon. gentleman informed me of it. I was not aware of it at the time, and my simple reply was, that it served me right ; I had no business doing what I did. But I desire to ask the government, has the board at the present moment not a legal adviser ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—I was under the impression they had a gentleman connected with the board who was a law clerk, or something of that kind.

Hon. Sir RICHARD CARTWRIGHT—They have a law clerk, I may say to my hon. friend.

Hon. Sir MACKENZIE BOWELL—A position in which he is expected to give advice. That was my impression.

Hon. Mr. SCOTT—They have a law clerk, and I fancy this clause is only intended to apply in matters of public importance.

Hon. Mr. BEIQUE—Hon. gentlemen opposite are hardly orthodox in suggesting that the appointment be made by a board which is not responsible to the people. It is rather against the doctrine of respon-

sible parliamentary government. Matters involving the expenditure of money should be dealt with by the government so that they can be amenable to parliament if they abuse the powers given them. If the power were vested with the Board of Railway Commissioners in the way suggested, it might tend to criticism of the Railway Board; nevertheless, the abuse could not be remedied, because the power being given to them they could exercise it during their term of office, and parliament would have no power over them.

Hon. Mr. LANDRY—The hon. gentleman quite forgets what we are doing ourselves. Who appoints the clerks of this House, and are we not directly responsible to the people?

The clause was adopted.

On clause 2,

2. Wherever by any Act of the parliament of Canada, heretofore or hereafter passed, provision was or is made for the deposit in the office of the Secretary of State of Canada of any mortgage given to secure the payment of bonds or other securities issued by any company, and the provisions with regard to such deposit have been duly complied with, it is hereby declared and enacted that it was and is unnecessary for any purpose that such mortgage, or any assignment thereof, or any other instrument in any way affecting it, should have been or should be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property: Provided that, if such Act expressly required or requires some additional or other deposit, registration or filing, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirement; and provided further, that nothing herein contained shall affect any matter in litigation, in, or finally decided by, any court of justice at the time this Act comes into force.

Hon. Mr. SCOTT—From the first institution of our railway system, it has been found necessary that money for railways should be raised on the security of the road by the issue of bonds, and a mortgage in the name of a trustee who held the railway property as a security for the bonds. That has been continued from time to time, and enlarged as it exists now in the Railway Act. Section 138 provides that the company may secure such bonds by mortgage upon the whole of the railway property, assets and revenue, provided that such property, assets and revenue, shall be subject, in the first instance, to any penalty imposed on the company for non-compliance with the requirements of the Act and any payment of working expenses of the railway. Clause 140 provides that every such mortgage and every assignment thereof or instrument affecting it shall be deposited in the office of the Secretary of State, and notice given in the 'Canada Gazette', and that such mortgage need not be registered. However, in cases where there are land grants, it has been the practice always to register that particular mortgage, which would be a lien on the land referred to; but as far as the general mortgage of the whole line, including its stations and right of way, the ground which is actually in use, it has, from the first institution of the railway system of Canada, been filed in the office of the Secretary of State, and parties apply there from time to time for particulars of that mortgage. There is a proviso to this second clause in the Bill, that 'if such Act expressly required or requires some additional or other deposit registered or filed, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirement.' This would apply to cases incidentally mentioned in a former debate, where lands outside of the railway property proper are affected. It is essential, certainly, that in those cases the mortgage should be filed in the registry office in the district where the lands lie. It is further provided in this clause that nothing contained in it shall affect any matter of litigation or finally decided by any court of justice at the time this Act comes into force. There may be some litigation existing. I am not advised that there is any, but that saving clause is introduced for the purpose of protecting possible rights. I do not see that any amendment is necessary. So far as my own recollection and experience go, in all cases of lands outside of these in actual use and occupation by the railway, the statute authorizing the lien on those lands requires that the mortgage shall be filed according to the laws of the particular provinces in which they lie. That ought to be so if it is not so.

Hon. Mr. LOUGHEED—My hon. friend's explanation is entirely too restricted, and

does not indicate the scope of the legislation now before us, or of the railway law. I took the ground yesterday, and still adhere to it, that the parliament of Canada cannot interfere with the registration laws of a province as taking out of those registration laws any property which may be affected thereby. I can very well conceive of a mortgage upon the right of way or station grounds of a railway not being registered, or, in fact, upon all property of the company, provided there have not been dealings by that railway with the property bringing it within the provincial law; but the moment there have been dealings with the property in question—it may be a hotel property—it is different. This Bill does not refer merely to the right of way and stations of the road, but to all property of the railway company, and I say if there have been dealings by the railway company with any of their properties under the registration laws of the province, the parliament of Canada surely cannot say that they shall be exempt from the consequences which may necessarily arise by reason of their failing to comply with those laws. Then, as to the latter part of the clause, protecting vested rights, my opinion is that it is not as wide as it should be. It does not protect any acquired rights which may not have been placed in litigation.

Hon. Mr. KERR—The hon. gentleman will see that there is an answer to the observations he has made. This does not give priority over any already existing mortgage upon the properties of the railway. It simply provides for the manner of filing and giving notice to the public of any mortgage which is authorized. It does not give them priority over anything which is ahead of it, and, therefore, the mortgagee can only take such security as the company is able to register at the time. The clause simply provides that where provision has been or is made for the depositing at the office of the Secretary of State, of the mortgage, as the means of giving public notice that such an encumbrance has been created, that it is unnecessary for that purpose that such mortgage should be registered or otherwise deposited elsewhere; but it does not increase the value of the mortgage as against any prior existing encumbrance. It is simply following out what is provided for in section 140 of the Railway Act; but the Railway Act does not cover the case where special Acts make provision that the mortgage is to be deposited in that way.

Hon. Mr. SCOTT—My recollection of a particular instance is that the mortgage which would require to be filed in the different districts or counties is entirely separate from the mortgage here referred to. Take, for instance, the Canadian Pacific Railway. They issued their mortgage on their land grant of 25,000,000 acres. It was called a land grant mortgage. Take another instance relating to the plan laid upon our table, of the property at Winnipeg which is being dealt with by three companies, that is entirely outside of the mortgaged property of these companies. I do not know of any particular case that would be prejudicially affected by this clause. In all those cases of land grants to companies, the lands are under a special mortgage, and as the land is sold from time to time the portions which are sold are released. I know it is the case with the Canadian Pacific Railway Company, because I have personal cognizance of the fact.

Hon. Mr. LOUGHEED—The very condition of affairs which the hon. gentleman has pointed out is practically wiped out by this legislation which we are now considering. My hon. friend from Toronto may possibly have some case before him with which he is familiar for which this legislation is designed. If so, he has an advantage over myself in discussing it; but we can only deal with this Bill as it is before us. In the first part of this clause, it provides that if there is an Act of parliament requiring the mortgage to be filed with the Secretary of State, then it becomes unnecessary hereafter that the company shall have complied with the registration laws of any province.

Hon. Mr. SCOTT—Oh, no; I daresay my hon. friend has had some experience in connection with lands sold by the Canadian Pacific Railway in his own locality, and he must know that they have been released from time to time as sold. They were not bound by the mortgage proper.

Hon. Mr. LOUGHEED—That simply discharges the railway company from its

obligation to register the lands in the municipalities in which they lie. Clause 2 provides that if the duty has been placed on a railway company to register a mortgage in the Department of the Secretary of State, then it shall be unnecessary for any purpose, that such mortgage or assignment thereof, or any instrument affecting it, should be otherwise deposited, registered or filed under any law relating to real or personal property. The government recognizing the fact that this is an invasion of provincial rights, have placed in the latter part of the clause a provision indemnifying those who have rights in litigation against loss or damage by reason of this legislation.

Hon. Mr. POWER—It does more than that.

Hon. Mr. LOUGHEED—It goes further and provides that their rights shall be guaranteed, but it does not safeguard rights acquired which may not be in litigation. What has given rise to this Bill ? When legislation affecting vested interests that may be of a very important character comes before us, there must be some cause leading to the adoption of such legislation. It is not by accident that the government have introduced this clause. Can my hon. friend say what circumstances have lead up to its adoption ?

Hon. Mr. KERR—In reply to a remark made by the hon. member from Calgary, I may say I have no special information at all. I take the Bill as it is, and looking at section 140 of the Railway Act, I find that it provides exactly the same thing with reference to a mortgage made pursuant to the General Railway Act. Passing on from that, I take up this Bill and see that it applies to companies which had previously to that obtained legislation authorizing them to mortgage and to deposit the mortgage with the Secretary of State, and probably that legislation did not sufficiently guard against the necessity for registering elsewhere.

Hon. Mr. LOUGHEED—It did not exempt them from registering elsewhere.

Hon. Mr. KERR—It may expressly exempt them. In such cases, therefore, it is provided that the registration at the Secretary of State's office shall be a sufficient registration. That is all it says ; it does not interfere with any existing right. No one knows better than my hon. friend, that a prior mortgage registered on any part of the property would be protected by the law as it is. This only declares that the filing of the mortgage with the Secretary of State shall be a good registration.

Hon. Mr. LOUGHEED—It says that it is unnecessary to have done anything else.

Hon. Mr. POWER—I am sorry that the hon. leader of the opposition has changed his view within the last few days. The hon. gentleman thought it was the duty of the government to introduce beneficial legislation without any special cause, but simply through a strong feeling of patriotism and their duty to the country. That was when we were considering the Juvenile Delinquents Bill. Now the hon. gentleman thinks there must be, to use a popular expression, a coloured man in the wood pile, when we come to deal with this Railway Bill. That is uncharitable, and I am sorry to see a spirit of suspicion developing itself in the leader of the opposition. The disease may be infectious. I know the hon. gentleman from Marshfield has a good deal of that spirit, and I hope it has not been caught by any other hon. gentleman near him. I was, at first, very much opposed to this measure, but when I came to look at the existing law I failed to see that this Bill changes it for the worse. Subsection 2 of section 140 of the Railway Act says that :

> Such mortgage deed or other instrument need not be registered under the provisions of any law respecting the registration of instruments affecting real or personal property.

That is about as broad and comprehensive language as can be used. The clause before us is, in fact, a little less expansive, because the proviso limits the operation of that enactment to a certain extent :

> Provided that if such Act expressly required or requires some additional or other deposit, and registration or filing, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirements.

That is a very beneficial enactment, and I regret that the hon. leader of the opposition seemed to overlook it.

Hon. Mr. LOUGHEED—No, I did not overlook it.

Hon. Mr. POWER—In that case, the Railway Act will not interfere with it.

Hon. Mr. LOUGHEED—If it is already provided for, why is this Bill required?

Hon. Mr. POWER—That is the principal change—putting in that proviso. It looks as if it were intended to prevent railway companies from escaping from the provisions of their private Acts. Take a company like the Canadian Northern, with lines now in every province of the Dominion, except New Brunswick, and they propose to build a line there; the existing and proposed lines in a province like Ontario run through half the counties in the province. If we were to require the registration of these mortgages in every county through which the road passes, capitalists thinking of lending money to the company, seeing that it would involve a search of title in half the counties of Ontario, would hesitate to make the loan. Inasmuch as the other practice has prevailed from the beginning, and the law has been that way always, there is no reason why we should now make a disturbance about it.

Hon. Mr. SCOTT—I was asked particularly why this Act should have to be repeated, because one looking at the law as it is in the Railway Act would naturally say this is simply a repetition of the existing law. The explanation given me is this: The government of Canada has guaranteed the bonds of the Canadian Northern. That mortgage was given somewhere about July or August. The Railway Act passed the session of parliament in 1903, but did not come into operation till the following January, and in that interval this mortgage was filed, and a question arises as to whether the security that the government held is sufficiently protected under the statutes, and it was to confirm that security that this provision was introduced in the Bill.

Hon. Mr. BEIQUE—The railway property is composed of different pieces of land, which, when they are acquired, are distinct property, but they are made one property, and if that property extends over several provinces, one can easily understand that it must be treated as a whole, and, treated as a whole, that it falls exclusively under the jurisdiction of this parliament, and that, as a governing power, this parliament has a right to make provision for the registration of mortgages on that property. For that reason, there can be no question that parliament has jurisdiction to deal with the registration of mortgages on a railway property. But I am in accord with the suggestion which is made that this right does not extend to dealing with mortgages on property such as the Canadian Pacific Hotel, the Chateau Frontenac, or on any specific property which may be held by the railway company, but which may be independent property from that of its own railway.

Hon. Mr. LANDRY—As a distinct property?

Hon. Mr. BEIQUE—As a distinct property. And to my mind, and in fact I have no doubt at all in my own mind, that the provision of section 140 of the present Railway Act, as contained in the Revised Statutes, is much too broad. That assumes to deal even with cases such as the one that I have mentioned, the mortgaging of a property such as the Chateau Frontenac or the Place Viger Hotel, and the Dominion parliament has exceeded its jurisdiction in passing legislation of that kind. This present Bill does not, to my mind, go any further than that: but it is as bad as the other, because it goes too far. The first portion of the clause is a repetition of section 140 of the Revised Statutes, but I agree also that the proviso is not properly worded, that the law is made retroactive, and we should guard against giving retroactive effect to the law without saving ordinary rights which may be acquired. There may be no rights; but in case there should be such rights, they should be better safeguarded than they are.

The clause was adopted.

On clause 3:

3. Subsection 5 of section 299 of the Railway Act is repealed, and the following is substitued therefor:

5. The purchaser shall apply to the parliament of Canada at the next following session thereof after the granting of such order by the minister for an Act of incorporation, or other legislative authority, to hold, operate and run the railway.

Hon. Mr. SCOTT—That is intended to apply where the bonds of a road are in default, and the railway is sold under the power contained in the mortgage bonds. In the particular case that required this special clause, the purchaser has declined to pay any more money out, and is running the road without any authority whatever. It is to force the purchaser to incorporate as a company and bring the road under the Railway Act, or the Minister of Railways will interfere and close up the road.

The clause was adopted.

Hon. Mr. SCOTT—I have an amendment to suggest, and I understand other hon. gentlemen propose to offer amendments. Under the Railway Act in connection with bonds, mortgages and borrowing powers, subsection 2 has this provision :

Such security should be signed by the president or other presiding officer, and countersigned by the secretary, and such countersignature and the signature of the coupons attached to such securities may be engraved.

Under a rule now in the New York Stock Exchange, they will not allow an engraved signature. The bonds, coupons and all must be signed with an original signature. The immediate necessity for this at the present moment is that the Canada Southern is issuing a very large amount of securities, and they are required to be signed by the Secretary of State. It is absolutely impossible that he can sign them all, and this is the provision that I now submit :

Subsection 2 of section 136 of the Railway Act is hereby amended by adding after the word 'secretary' in the second line the words following : 'Or any assistant secretary.'

Where some fifty or a hundred thousand documents have to be signed, it is absolutely impossible for one man to do the work within a reasonable time.

Hon. Mr. POWER—Would it not be better to say 'assistant secretary.' A good many swindles and defalcations have arisen in connection with transactions of this kind, and I think it would be better not to say 'any assistant secretary.' There should be some restriction. The language used in the proposed amendment really leaves it open to have it signed by any one.

Hon. Mr. KERR—It might be made to read 'or an assistant secretary.'

Hon. Mr. SCOTT—Strike out the 'y' in the word 'any.' We will not quarrel about it.

The amendment was adopted.

Hon. Mr. KERR—I have some amendments to propose.

Hon. Mr. SCOTT—I move that the committee rise and report progress now.

Hon. Mr. KERR—I think we might finish with the Bill before rising.

Hon. Mr. SCOTT—I have not seen these amendments, and we must not railroad legislation through at this stage.

Hon. Mr. KERR—I resent that observation of the Hon. Secretary of State, so far as I am concerned, most strongly. I am not suggesting that any legislation should be railroaded through.

Hon. Mr. SCOTT—I am not referring to the hon. gentleman. The hon. gentlemen on the other side have opposed amendments of which they did not know the purpose, and they were quite right. We could not put this through in five minutes.

Hon. Mr. KERR—The clauses are here.

Hon. Mr. LOUGHEED—I may point out the unreasonableness of asking us to pass five clauses, all retroactive, dealing with many important interests, for all we know practically wiping them out. I think that point would appeal to my hon. friend's own observation. I should be glad to facilitate the passing of legislation which will remedy any defects in the law, but I cannot say how far-reaching these clauses may be.

Hon. Mr. WATSON, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

## BILLS INTRODUCED.

Bill (177) An Act to amend the Judges Act.—(Hon. Mr. Scott.)

Bill (178) An Act to authorize the granting of certain subsidies in aid of the railways therein mentioned.—(Hon. Mr. Scott.)

## INCREASED SUBSIDIES FOR THE PROVINCES.

The SPEAKER—I have received the following message from the House of Commons:

House of Commons,

Thursday, 25th April, 1907.

Resolved, That a message be sent to the Senate, informing their Honours that this House has passed an address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called 'The British North America Act, 1867,' or by or under any terms or conditions upon which any other provinces were admitted to the Union, by Canada to the several provinces of the Dominion for the support of their governments and legislatures, and praying that His Majesty will be graciously pleased to cause a measure to be laid before the imperial parliament at its present session, to repeal the provisions of the above section of the British North America Act, 1867, aforesaid; and requesting their Honours to unite with this House in the said address, by filling up the blank therein with the words 'Senate and.'

Ordered, That the Clerk of the House do carry the said message to the Senate.

Attest,

THOMAS B. FLINT,
Clerk of the Commons.

The said address to His Majesty the King was then read by His Honour the Speaker, as follows:—

To the King's Most Excellent Majesty:
Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in parliament assembled, humbly approach Your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, or by or under any terms or conditions upon which any other provinces were admitted to the Union, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures by providing that—

A. Instead of the amounts now payable, the sums hereafter payable yearly by Canada to the several provinces for the support of their governments and legislatures, be according to population, and as follows:—

(a) Where the population of the province is under 150,000.. .. .. .. .. .. .. .. $100,000
(b) Where the population of the province is 150,000, but does not exceed 200,000.. .. .. .. .. .. .. .. .. .. .. .. 150,000
(c) Where the population of the province is 200,000, but does not exceed 400,000.. .. .. .. .. .. .. .. .. .. .. .. 180,000
(d) Where the population of the province is 400,000, but does not exceed 800,000.. .. .. .. .. .. .. .. .. .. .. .. 190,000
(e) Where the population of the province is 800,000, but does not exceed 1,500,000.. .. .. .. .. .. .. .. .. .. .. .. $ 220,000
(f) Where the population of the province exceeds 1,500,000.. .. .. .. .. .. .. .. 240,000

B. Instead of an annual grant per head of population now allowed, the annual payment hereafter be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census; (or, in the case of the provinces of Manitoba, Saskatchewan and Alberta, respectively, by the last quinquennial census or statutory estimate), until such population exceeds 2,500,000, and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

C. An additional allowance to the extent of one hundred thousand dollars annually be paid for ten years to the province of British Columbia.

D. Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada or the right of any province to payment of any special grant heretofore made by the parliament of Canada to any province for any special purpose in such grant expressd.

We pray that Your Majesty may be graciously pleased to cause a measure to be laid before the imperial parliament at its present session, repealing the provisions of section 118 of the British North America Act, 1867, aforesaid, and substituting therefor the scale of payments above set forth, which shall be a final and unalterable settlement of the amounts to be paid yearly to the several provinces of the Dominion for their local purposes and the support of their governments and legislatures.

Such grants shall be paid half-yearly in advance, to each province; but the government of Canada shall deduct from such grants, as against any province, all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in the said Act.

All of which we humbly pray Your Majesty to take into your favourable and gracious consideration.

Hon. Mr. SCOTT—This matter has been before the Senate on two or three occasions, and I gave my assurance that it would not be forced through the Chamber until every hon. gentleman had a full opportunity of discussing it. I propose to keep that promise, and therefore it will be taken up whenever it suits my hon. friend from Prince Edward Island particularly, because he was given a personal assurance. He told me he meant to speak upon it, and, therefore, I am in his hands.

Hon. Mr. FERGUSON—I am ready to proceed at the earliest possible moment the hon. gentleman can bring it up.

Hon. Mr. SCOTT—To-morrow?

Hon. Mr. FERGUSON—To-day.

Hon. Mr. SCOTT—Then it will be taken up this evening.

Hon. Mr. LANDRY—Before this motion is concurred in, I will call attention to rule 70, which reads as follows :

The Senate will not proceed with a Bill appropriating public money, that should not, within the knowledge of the Senate, have been recommended by the King's representative.

Hon. Mr. SCOTT—I understand from Mr. Fielding that he was to make an announcement that it had His Excellency's approval, in the House of Commons. I have not had the opportunity of looking up the matter to see if the statement has been made, but I think it was.

Hon Sir MACKENZIE BOWELL—It should be made in this House.

Hon. Mr. SCOTT—That has not been the usual course in this Chamber.

Hon. Mr. LANDRY—It must be within the knowledge of the Senate.

Hon. Mr. SCOTT—The Senate accepts the statement of the minister, just as the House of Commons does. After the warning I received here I asked the minister to make the announcement, and he said he certainly would.

Hon. Mr. LANDRY—I may be pardoned if I take the objection, but we must be sharp when we are taking points of order.

The SPEAKER—I may inform the hon. gentleman that the point may be taken at any time.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. Secretary of State can bring the authority when he comes this afternoon.

Hon. Mr. SCOTT—No, it is only verbal. My hon. friend must not introduce a new precedent. In thirty-four years it has never been the practice in this Chamber. During the eighteen years I was in the opposition, the hon. gentleman never once mentioned the subject.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is quite right, but if you have been sinning eighteen years, we had better begin to repent in the nineteenth year.

Hon. Mr. FERGUSON—The proper authorities show that the message was given to the House that originates the measure, and that the message should accompany the Bill, or address, or whatever it is, to the other House.

The SPEAKER—When it is written, but when it is verbal it can only be conveyed through the channel of the minister in the Chamber.

Hon. Mr. FERGUSON—I do not think we have a right to go searching the journals of the House of Commons, but we have the right to take the word of a responsible minister. If he says it has received the assent of the Crown, that is quite enough.

Hon. Sir MACKENZIE BOWELL—That has been the practice in the Commons for years—a simple announcement on the part of the minister of the Crown that he had the authority of His Excellency, has always been considered sufficient.

The motion was agreed to.

## COMMUTATION OF SENTENCE OF CAZES.

### INQUIRY.

Hon. Mr. LANDRY—Before the House adjourns, I ask if the hon. Secretary of State has any knowledge of the liberation of a man named Cazes who was condemned five or six years ago for having killed his wife in Quebec ?

Hon. Mr. SCOTT—It is wholly unfamiliar to me.

Hon. Mr. LANDRY—There is a rumour that he has been liberated. He was sent to penitentiary for life.

Hon. Sir RICHARD CARTWRIGHT—Probably we can obtain the information before three o'clock.

The Senate adjourned till three p.m.

## SECOND SITTING.

The SPEAKER took the Chair at Three p.m.

Routine proceedings.

## THE RESIGNATION OF MR. HYMAN.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I should like to ask the leader of the House whether the hon. the Minister of Public Works has resigned his portfolio, or otherwise ? We have been

told that he has resigned his seat in the House of Commons but, as far as I am aware—at all events I know, this House has not yet been informed whether he has resigned the portfolio of Public Works.

Hon. Mr. SCOTT—Any resignation would of course come to the premier. I have not heard of any resignation.

Hon. Mr. FERGUSON—Can my hon. friend tell us how long this state of things is to continue ?

Hon. Mr. SCOTT—I cannot tell. The premier is out of the country and it is impossible to discuss it with him.

## RAILWAY ACT AMENDMENT BILL.

### IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (75) An Act to amend the Railway Act.

(In the Committee.)

Hon. Mr. KERR moved that the following be added as clause 4 :

4. Any such mortgage heretofore given as to which there has been hitherto no Act providing for such deposit, or any assignment of such mortgage or other instrument in any way affecting it, or a sworn copy thereof may be deposited in the office of the Secretary of State of Canada within ninety days after the passing of this Act.

2. Notice of such deposit shall forthwith thereafter be given in the 'Canada Gazette.'

3. No objection shall be taken on the part of any creditor of such company or any purchaser or mortgagee, becoming such creditor or purchaser or mortgagee, subsequent to the passing of this Act, to any such mortgage or other instrument in respect of which such deposit has been made and such notice given, on the ground that the same has not been otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property.

He said : Clause 2 provides for the case where provision has been made for the deposit in the office of the Secretary of State of a mortgage made by a railway for the purpose of securing bonds, etc. This provides for a case in which there has not been hitherto any Act providing for the deposit. It provides that the mortgage may be deposited in the office of the Secretary of State, within 90 days of the passing of the Act, and the remaining provision is that notice is to be given in the 'Canada Gazette,' and it is to stand in the same position, not requiring any other registration than that.

Hon. Mr. LOUGHEED—What does my hon. friend the Secretary of State say to these clauses ? Have they been considered by the government ?

Hon. Mr. SCOTT—I think they were referred to the Minister of Justice. I understood the Minister of Justice approved of them.

Hon. Mr. KERR—I am in a position to state that the other proposed amendments to the Bill were submitted to the Minister of Justice some time ago and approved of by him, and were to have been incorporated in another Bill which has not been introduced. They were overlooked until after this Bill had been passed in the House of Commons. Under these circumstances, I was asked whether I would introduce those amendments here, and I consented to do so; but before consenting I ascertained that the Minister of Justice had approved of them. When they were sent to the Department of Justice to be initialed before I introduced them, they thought that the clause which I have moved as clause 4 should also go in gefore the other amendments.

Hon. Mr. LOUGHEED—As I pointed out this morning, the only objection I see to the clauses is to the latter part of them, which have a retroactive effect and they really make no provision for the protection of any rights in litigation. If the government will accept the responsibility of passing these clauses, there should be a clause protecting all rights that have been acquired in the meantime. If that be done, there can be no serious objection to the amendments.

Hon. Mr. KERR—Subsection three of clause 4, which I am asking the House to adopt, is not ex-post facto or retroactive legislation in any sense. It only protects existing rights.

Hon. Mr. LOUGHEED—What protection is there to the assignee of a purchaser before the passing of the Act ?

Hon. Mr. KERR—It saves all rights.

Hon. Mr. BEIQUE—Provision is made for a notice, and this notice must be intended for some purpose. The Act is not to have effect before the notice is given.

Hon. Mr. LOUGHEED—What is the object of this clause? Is it to validate something which has been done for which no provision has been made?

Hon. Mr. KERR—No, that is not the object.

Hon. Mr. BEIQUE—I suggest that we substitute the words 'giving such notice' for the words 'passing of this Act.'

Hon. Mr. KERR—Yes, that will cover it.

The clause, as amended, was adopted.

Hon. Mr. KERR—I beg to move that the following be added as clause 5:

5. Any contract evidencing the lease, conditional sale or bailment of rolling stock to a company shall be in writing, duly executed by the parties thereto, and the same or a copy thereof may be deposited in the office of the Secretary of State of Canada, within twenty-one days from the execution thereof, and no contract so deposited need be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property, and upon the due execution and deposit of any such lease, conditional sale or bailment of rolling stock as aforesaid, the same shall be valid as against all subsequent purchasers or mortgagees.

2. Notice of such deposit shall forthwith thereafter be given in the 'Canada Gazette.'

This is intended to provide for the ordinary case of rolling stock companies, and applies solely to the rolling stock on the railway, on which bonds are issued as an investment.

Hon. Mr. BEIQUE—This is a valuable addition to the Railway Act, in my opinion. This provides machinery which will enable companies to procure rolling stock.

The clause was adopted.

Hon. Mr. KERR—I ask that clauses 4, 5, 6, 7, and 8 should follow clause 2 in the Bill and that clauses 3 and 4 should be numbered 8 and 9

Hon. Mr. LOUGHEED—Then the latter part of clause 2, which gives protection to all parties having any litigation rights should be a substantive clause and apply to the whole Bill.

Hon. Mr. KERR—I think we had better leave it as it is.

Hon. Mr. WATSON, from the committee, reported the Bill with amendments which were concurred in.

## STATUTE LAW IN SASKATCHEWAN AND ALBERTA BILL.

### SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (146) An Act to amend the statute law in its application to the provinces of Saskatchewan and Alberta.

The motion was agreed to, and the Bill was read the second time.

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On clause 5,

Hon. Mr. LOUGHEED—I am very sorry to see that the government have not made more generous provision for the payment of district judges. It will be impossible—anyway improbable that efficient men can be secured for $2,500 per annum in those two provinces, where living and other expenses are very high. I notice that after three years the salary is to be increased to $3,000 per annum, but either sum is entirely inadequate to ensure getting efficient judges.

Hon. Mr. SCOTT—I shall call the attention of the Minister of Justice to the observations made by the hon. senator. It is possible that in another year a change will be made.

Hon. Mr. FERGUSON—These district judges, in their duties, correspond to the county court judges in Ontario and the maritime provinces.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Can my hon. friend say when it is probable those judges will be appointed? Will it be immediately after the session?

Hon. Mr. SCOTT—I should hope so. The sooner the administration of justice in Alberta and Saskatchewan is put on a proper basis the better it will be for all parties.

Hon. Mr. FERGUSON—At present the administration of justice is carried on by the judges and courts established for the territories.

Hon. Mr. SCOTT—Yes.

The clause was adopted.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

## CUSTOMS ACT AMENDMENT BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (165) An Act to amend the Customs Act.

(In the Committee.)

On clause 2 :

2. Section 38 of the Customs Act, chapter 48 of the Revised Statutes, 1906, is repealed and the following is substituted therefor :

38. Vessels entering the gut of Annapolis shall be reported and entered at such place as the minister, from time to time, directs.

Hon. Sir RICHARD CARTWRIGHT—At present they are obliged to report at Digby or Annapolis, and this gives the minister a little more latitude if he so directs.

Hon. Mr. FERGUSON—I find this is the same wording that is used in the law we are repealing, but it seems to me our Nova Scotia friends can give a better explanation than we can why it should be called the gut of Annapolis. I think the word basin would be better.

Hon. Sir RICHARD CARTWRIGHT—It is a matter of indifference to me which you call it.

Hon. Mr. LANDRY—It is a matter of internal economy.

Hon. Mr. FERGUSON—The are only two inlets in the world known by that name, the gut of Canso and the gut of Annapolis, and I think it is time that word was dropped.

The clause was agreed to.

On clause 3 :

3. Section 41 of the said Act is repealed and the following is substituted therefor :

41. Such market value shall be the fair market value of such goods, in the usual and ordinary commercial acceptation of the term, and as sold in the ordinary course of trade : Provided that a discount for cash, for duty purposes, shall not exceed two and one-half per cent and shall not be allowed unless it has been actually allowed and deducted by the exporter on the invoice to the importer.

Hon. Sir RICHARD CARTWRIGHT—This change is made to avoid the friction which has heretofore risen in the case of very small and petty discounts. It allows a limit of two and one-half per cent.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is labouring under a misapprehension as to the law on this point, which is very clear. It provides positively and distinctly that there should be nothing allowed for cash discounts, and that has been the law of the land ever since confederation. It is the law which governs the Customs Act of the United States and of every and any other country that I have had an opportunity of studying or seeing. The change made is, to my mind, a dangerous one, small though it may appear, and a moment's reflection will suggest to the hon. Minister of Trade and Commerce that it is in aid of, and for the benefit of, men who have money and can pay cash for the goods that they purchase in a foreign country, to the disadvantage of the men who have to buy on credit. If my hon. friend will read section 41 of the Customs Act——

Hon. Sir RICHARD CARTWRIGHT—I have it before me.

Hon. Sir MACKENZIE BOWELL—It makes the provision that the duty to be levied upon the goods purchased shall be the ordinary value of the goods when sold for home consumption. It makes a special provision that no deduction shall be made for cash payments or for royalty which may be paid, or for any other purpose; but that the value for duty must be that at which the goods are sold in the home market. I know that it has been contended for years, because I had it brought under my notice a great many times, that if you purchase for cash and have an invoice to that effect you should be charged duty only upon the amount that you paid for the goods when imported into the country. The presumption of the law, and to my mind the equity of the law, is that every importer shall be placed upon an equal footing. If a man has the money to pay cash and can get a discount of five or ten per cent on the amount of his purchase, he should not be placed in a better position as an importer than the man who has to buy on credit. This Bill proposes to give him an advantage of two and one-half per cent. It

is giving the wealthier man an advantage over the poorer man.. The country has nothing whatever to do with the transaction between the seller and the purchaser ; it has to deal simply with the duty imposed upon the goods imported into the country and it makes no difference what discount has been allowed, the same principle should apply to all importations. If it is fair to allow two and one-half per cent discount, why not allow five per cent if that is the discount allowed in the transaction? This is an arbitrary rule which is laid down, and it draws an inequitable distinction between the man who can purchase for cash and the man who has to purchase on credit. One can always illustrate best from his own experience. I purchased in New York a press, and, as I paid cash, got fifteen per cent discount. If this principle had been recognized then, why should the customs authorities allow only two and one-half per cent when the press cost me less ? If any allowance should be made, it should be the full fifteen per cent. This new regulation will produce a great deal of trouble. I have heard it intimated that the policy of the present government has been to allow five per cent. If that principle has been adopted, there is no warrant or power given to the government to make any such allowance. The information given me may not have been correct. I am not sure whether the hon. Minister of Trade and Commerce has considered this amendment from the standpoint I have put it, or has taken it from the abstract idea that has been advanced over and over again ever since confederation, that the value of goods for duty should be the amount paid for them in the market where they were purchased. My experience is that the granting of any such concession is inequitable and unfair to those who have to purchase on credit.

Hon. Sir RICHARD CARTWRIGHT—It is a matter on which there could be a great deal of argument, no doubt. My own idea has been that it is rather an advantage to us to be allowed to pay duty on the actual cost of the goods purchased, and, that if we get our goods a little cheaper thereby, small harm arises to the community. However, it is alleged by the customs authorities that this amendment will avoid a very considerable amount of friction in the dealings between importers and the customs authorities. My hon. friend had better let them take the responsibility. If they mal-administer the department—I know the hon. gentleman administered his very well—you can haul them over the coals for it afterwards.

Hon. Sir MACKENZIE BOWELL—I simply wished to express my views, formed after a good many years' experience. Where friction can arise in this matter under the existing law I cannot understand ; I can understand friction arising by placing this amendment on the statute-book. All you have to say to an importer under the existing law is that the duty shall be imposed on the fair market value of the article in the country from which it was exported. If there is any reduction in price from the market value, then you increase the face of the invoice. The present government have recognized that to a much greater extent than ever the late government did, because in order to protect home industries they have adopted what is known as the 'dumping clause' which adds 15 per cent additional to the invoice price of an article if it has been reduced a certain amount. Under this clause, a man who purchases an article worth $100 and gets a discount for cash, is allowed a valuation of $97.50, while the man who buys it on credit must pay duty on $100. This gives an advantage to that extent to the rich man over his less wealthy competitor. The presumption in the past has been that the government would draw no distinction between the rich importer and the poor importer. My hon. friend says, leave it to the department ; I shall be obliged to leave it to the government. If I thought I could succeed in striking it out of the Bill I would move an amendment to that effect, but looking at the complexion of the House to-day I must be content to express my opinion and let it go.

Hon. Mr. FERGUSON—Whatever the complexion of the Senate may be, it is our duty, when we meet a clause of this kind, to at least understand it for ourselves, before we pass it. I find on reference to section 41 of the existing law, that we are making a very serious change. As the hon. senator from Belleville, who has had

a very long experience in administration of the customs, has said, duty is at present collected on the fair market value of the imported goods in the country where they were purchased. And it provides that the fair market value of such goods in the usual and commercial acceptation of the term is at the usual and ordinary credit and not cash value of the goods, except in cases where the articles imported is universally known to be a cash article.

Hon. Sir MACKENZIE BOWELL—There is one article that has always been considered a cash article, and that is sugar. It is the only one.

Hon. Mr. FERGUSON—Now, we propose by this Bill that the duty shall be levied on the fair market value of such goods in the usual and ordinary commercial acceptation of the term, and as sold in the ordinary course of trade. The difference is that in the law as it stands now, the basis is said to be the ordinary credit basis ; but in this Bill it is the usual and ordinary commercial acceptation of the term market value, and it provides there shall be a discount of 2½ per cent for cash. It seems, therefore, in all cases where cash is the basis of the purchase there will be a reduction of 2½ per cent in the valuation. It looks to me as if it will certainly give a very considerable advantage to the merchant who has large capital over the man who is endeavouring to work his way along in the commercial world with less means. I think that the possession of money has a great many advantages without giving the possessor of it an undue advantage, which I fear this is really giving to the men who are able to pay spot cash for what they buy.

Hon. Sir RICHARD CARTWRIGHT—I do not think so.

Hon. Mr. McMULLEN—I have endeavoured to gather from the speech delivered by the hon. gentleman from Hastings, whose views on questions of this kind I respect very much, and I have endeavoured to gather from the hon. gentleman from Marshfield his ideas with regard to this clause. I cannot see that it is any injustice whatever to make the basis for the collection of duty the actual water level, if we might so speak, of the value of the goods. What is the value ? Take the case the hon. gentleman from Hastings has been citing. There a man buys a hundred dollars' worth of goods and he pays cash and gets off for ninety-seven and a half. That is the actual cash value of these goods. Why is the hundred dollars named at all ? The hundred-dollar item is named in view of a sale on credit extending over some months. Why is the two and a half per cent discount allowed ? Because the man, at the moment of purchase, pays for his goods. Is he not entitled to the discount? I think it would be a most absurd thing to say to him : 'Well, you pay cash for your goods, you have the means, and in order to place you on a level with the man that does not pay cash, we insist upon you paying the duty on the hundred dollars in place of ninety-seven and a half.' I think it would be a most absurd and unfair thing. A man has a right to the use and advantages of his own money. My hon. friend says it will give him an advantage over the man who buys on credit Who is responsible for that ? Is the country ? Certainly not. The man that has the money and is prepared to invest is entitled to the advantages that his money gives him. Why should he be deprived of that advantage ? My hon. friend says some other man who has come into competition with him has to pay the one hundred dollars. If he has, he has, like other men, to labour under the disadvantage of not having capital. It may not be his own fault, but because it is not, are you going to deprive the man of a legitimate advantage when he has the money to pay for the goods ? I think it would be the most ridiculous thing, an exceedingly unfair thing. In that case there would be no object in a man of means going into business. A man who is poor but can buy goods on credit has an advantage the same as the man who has means and is prepared to invest and risk his money in business. I think he is right to have all the advantages that his money will give him. He is entitled to that. Commercial life throughout England, and in every country that we know of, recognizes the value of cash, and gives a discount for cash. If you hold to the view expressed by my hon. friend you would actually say that it was dishonest to do

that. The hon. gentleman contends that in giving the rich man a discount for cash, you are embarrassing the poor man who cannot pay cash. But you are not. It is the poorer man's disadvantage that he has not the money. The country is not responsible for that, nor is the law responsible. I think that where a man is prepared to pay cash for his goods, he is entitled to the percentage that is ordinarily given, and the government in levying duty on what he imports has no right to impose a duty beyond what he is legitimately and properly called to pay on the actual cash value of the goods that he buys.

Hon. Mr. FERGUSON—My hon. friend seems to miss the real point. In the law, as it at present stands, the market value is held to be the ordinary credit value; but we are repealing that and providing that the market value shall be the fair market value of such goods in the usual and ordinary commercial acceptation of the term—not the credit price at all. It opens the door for what is usual and ordinary market value, which must be supposed to mean cash or its equivalent, and it opens the door for a reduction of two and one-half per cent on that value.

Hon. Mr. McMULLEN—Is that not the value?

Hon. Mr. FERGUSON—I think it is not, because if you are dealing with the credit value, then I understand why you should have two and a half per cent discount for cash; but you are not starting with that. If my hon. friend will read the section he will find the market value shall be the fair value of the goods in the usual and ordinary acceptation of the term. It is repealing the Act we formerly had, which says it shall be the usual and ordinary commercial acceptation of the term at the usual and ordinary credit value. This is allowing a discount of two and a half per cent below the fair market value, which must be cash or its equivalent, and therefore a man who is not getting the discount or is paying interest is put at a disadvantage.

Hon. Mr. McMULLEN—The hon. gentleman does not see the point at all. The ordinary market value of what is nominally a hundred dollars of goods is ninety-seven and one-half. Why is that the ordinary value? The ordinary market business value? Because a man who pays cash for it gets two and a half per cent off. That is the water-level of those goods. The value is not the price that is put on without the discount. If you go to buy the goods you make your arrangements, and the seller says: Our ordinary price is one hundred dollars, but we give two and a half per cent discount for cash. Is not ninety-seven and one-half the actual intrinsic value of that quantity of goods? Why, certainly it is. You cannot call it anything else.

Hon. Sir MACKENZIE BOWELL—It seems to me the hon. gentleman is confounding the question of the equity of imposing a duty, and the price at which a man can buy an article in a foreign country. No one objected to the rich man or the poor man getting his goods with a discount off. I meant to draw the distinction between the man who purchased for cash and another who purchased for credit in a foreign country. My hon. friend argues that because you go into the markets of the world and buy an article for cash and get it cheaper than the man who buys on credit, that he should only be charged duty upon the cost to him of the article. Let me put a case. Suppose he goes to the United States and buys a horse, and the owner is hard up and he must have money, and will sell the horse to him for $75, but he says: If you buy this horse on credit I want a hundred dollars for it,' the ordinary credit value of an article. The man who buys the horse at a hundred dollars gets three months' credit, and he goes to the customs house and is charged twenty per cent duty upon the price of the horse. The gentleman who has the money to pay for it, pays the duty upon the $75, while the man who has bought on credit pays duty on $100. Is that a policy that should be recognized by the government? It is not equitable to the man who is not able to pay spot cash; but in the case of a rich man like my hon. friend, who can go and buy the horse at a lower rate than the other, the government steps in and assists him to the extent of two and a half per cent, while a poor man would have to pay the duty on $100.

Hon. Sir RICHARD CARTWRIGHT—I should like to get a hundred dollar horse for $75—it is generally the other way.

Hon. Sir MACKENZIE BOWELL—The word 'credit' is left out, and it is only opening the door for trouble and annoyance for the Customs Department. The word 'credit' was put in the law for the purpose of enabling the collector and the Minister of Customs to adjudicate upon questions of this kind, upon what is understood to be the fair market value, and the world 'credit' was put in in order to define what the fair market value is in the market, for the reason that 99 per cent of the purchases in the markets of the world are upon credit, 2, 4 or 6 months.

On clause 4:

4. Section 43 of the said Act is amended by adding thereto the following subsections:

5. Duty shall not be assessed on less than the invoice value of goods in any case, except on account of reduction in the fair market value of such goods between the time of their purchase by the Canadian importer and their exportation to Canada.

6. The appraiser, or collector acting as appraiser, in estimating the values for duty may disregard trifling fluctuations in market values occurring after the purchase of the goods by the Canadian importer, and may allow a bona fide discount for cash not exceeding two and one-half per cent, when allowed and deducted by the exporter on his invoice.

This is for the purpose of making the clauses so that they will not contradict each other.

Hon. Mr. KERR—It seems to me it may work an injustice if it is left as it is. Supposing you take the case of a standing agreement, which extends over a period of years and a contract has been made under which goods are purchased and imported into this country, and the price has no relation to the question of the selling price, but is based upon the fixed standard, as is often the case, with so much per cent added. It seems to me that in such a case as that the duty ought to be levied upon the actual cost so determined, whether that price is higher or lower than the market selling price in the states, because it is fixed with regard to a condition of things under which the parties are absolutely bound by an agreement from which they cannot escape. It appears to me that in cases of that kind which are not infrequent, extending over a term of years, there should be an exception made, and I suggest that there should be a clause added that would enable the customs authorities to deal with the case.

Hon. Sir MACKENZIE BOWELL—That has more to do with the importation when the market fluctuates.

Hon. Mr. KERR—One time the market may be up and another time it may be down. When it is up, they assess the duty at a high price, and when it is down they are obliged to pay duty on a fixed price which they have got.

Hon. Sir MACKENZIE BOWELL—No. Before the consolidation of the Act, the law was that in case you order goods, as is very often done, particularly in the iron markets, three or four months in advance. You go to the English markets, and you want fifty tons of rolled iron; you have very often three, four and six months' orders ahead. The law formerly imposed a duty upon the price charged at the time you entered into the agreement; but if the value of the goods raised before they were exported to Canada, then the duty was imposed upon the value of the goods when brought into Canada.

Hon. Mr. KERR—That is not going to be so now.

Hon. Sir MACKENZIE BOWELL—I am trying to inform the hon. gentleman what the law was, and how it was changed, but if the value of the goods dropped twenty or fifty per cent from the time of the agreement for purchase and the time for exportation, the duty was still levied upon the price agreed upon at the time the bargain was entered into. A duty was imposed on the higher value when it was raised, and when I had the honour of occupying a position in the Customs Department, I had that law changed so as to place the value for duty upon the article at the time of exportation whether it raised or fell. So that if you made a bargain at $20 a ton for the iron, and if it raised to twenty-five a ton when it was exported, you paid the duty upon twenty-five, and if it fell to fifteen, then you paid the duty upon fifteen. Let me meet the other point of the bargain extending over years. I will give an instance that comes to my mind so that the hon. gentleman will understand it. In the importation of oilcloth rolls, you go to the United

States and the merchant will say to you: 'If you take five hundred rolls during the year, order it as you please, you shall have a certain discount. If you take only three hundred rolls, you shall have so much discount, and if your purchases do not come up to the full number, then you have to pay so much more.' A merchant of Montreal raised a great row because we insisted upon his paying upon the ordinary market price, if he bought only ten rolls. When the deputation came up, I pointed out the difficulties. For every merchant in Montreal, and every wholesaler in every part of the world, who was sending oil cloth into Canada, we would have to open a special account and see how much he purchased during the whole year. As soon as the difficulties were pointed out, Mr. Cleghorn, a large importer, said to me: 'Is that the fact?' And I said 'Yes, that is the fact.' And he said 'If I had known that, I would never have come here.' No man, except one who has been administering the customs for a number of years, can possibly comprehend the many intricate questions that are constantly arising in carrying out the law, and this change is going to multiply these difficulties tenfold.

Hon. Mr. KERR—Take the hon. gentleman's illustration: suppose that an establishment buys all its oilcloth from one manufacturer and is bound to do so, and cannot buy from another, under an agreement. Supposing his contract is: 'I am to buy and you are to sell to me at cost of manufacture plus twenty per cent advance.' Under the first clause of this Bill, if the selling price in the country went up the man would have to pay not merely upon the price plus twenty per cent of the cost of manufacture, but he would have to pay on the selling price on the market. If it went down below what twenty per cent advance on cost would be, and below the cost of manufacture, for the sake of argument, he would not get the benefit of that.

Hon. Sir MACKENZIE BOWELL—Yes, he would.

Hon. Mr. KERR—No, because he is obliged to pay the higher price and is obliged to invoice according to the price he pays.

Hon. Sir MACKENZIE BOWELL—The customs pays no respect to the bargains made with the manufacturer. It is the duty of the appraiser to ascertain the market value of the goods in the country from which the article is exported.

Hon. Mr. KERR—I think that is unfair.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had the administration of the law, he would not think so. The German manufacturers, in order to evade the Customs Act, have agents in Canada and export goods from Germany to Montreal invoiced at the actual cost of the manufacture with 10 per cent added. Ought that to be the value at which the duty should be imposed? Certainly not, because if the hon. gentleman were to buy the goods in Germany he would have to pay probably 20 or 30 per cent over their cost. You have then simply to ask the question: What was the value of these goods at the time of the exportation?

The clause was allowed to stand.

On clause 8:

8. Section 99 of the said Act is amended by adding thereto the following subsection:

5. Every person who desires to export any article manufactured in Canada which is subject to a bounty from the government of Canada when for home consumption and not for exportation, including steel blooms and steel billets made in Canada, shall file his written application with the collector at the nearest custom house, for permission to export the said article. Such application shall be accompanied by the affidavit of a person having a knowledge of the facts, setting forth and describing the articles proposed to be exported, and establishing to the satisfaction of the collector that bounty has not been paid and will not be claimed on or in respect of the said described articles, or if bounty has been paid thereon, or in respect therof, that it has been refunded to the government; whereupon the collector may grant his permission for the exportation of the said described articles. If any such articles are laden in any railway carriage or other vehicle or vessel, for the purpose of being exported, without the permission of the collector as aforesaid they shall be seized and forfeited.

Hon. Sir RICHARD CARTWRIGHT—The object of that is, that where bounties are granted in the case of articles for home consumption, and not intended for exportation, the manufacturers shall not be allowed to claim the bounties when they export the goods.

Hon. Sir MACKENZIE BOWELL—There can be no justice in this clause unless it be for the purpose of preventing the exportation of articles which have been manufactured for home consumption, and on which a drawback has already been paid, to the manufacturer upon material entering into the article manufactured. Is it not intended to meet the case of a manufacturer who imports an article upon which he has received a drawback, on the presumption that it was going into home consumption, and has also received a drawback upon some article which had been used in the manufacture of an article for exportation? Otherwise it would be worse than absurd to say that a manufacturer should not be permitted to export an article simply because it had been manufactured for home consumption and on which he had received a drawback.

Hon. Sir RICHARD CARTWRIGHT—Received a bounty.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Sir RICHARD CARTWRIGHT—What I understand to be intended by this clause is to meet this case; we will suppose that a party was undertaking to export several thousand tons of iron to England, on which he had received a bounty. We do not want to give to the English merchants or anybody else the benefit of cheap iron to enable them to compete with iron subsidized out of our treasury for our own trade. The bounties are given to encourage the production of that article for our own domestic market, and if parties who have received the bounty undertake to export the bounty fed iron, they must return the bounty.

Hon. Sir MACKENZIE BOWELL—Is not that diametrically opposed to the law as it has been and it still is? If an article be imported for the purpose of being used in the manufacture of a product for export, then you may say that the purchaser in the foreign market has the advantage of that drawback. The same principle would apply. What difference does it make? If by the granting of a bounty for the production of an article in this country, you give employment to the artisans and labourers of Canada and the market in the country is overstocked with that article, is it not carrying out the principle that has been adopted, by giving the drawback on articles manufactured for export. I am very sorry that my hon. friend from Toronto, who is connected with the Massey-Harris Company, is not here. In discussing this question with me a few days ago he said, after adopting the principle of granting a drawback of 99 per cent of the duty paid on articles used in the manufacture of machines exported, the manufacturers in this country were enabled to export to the extent, since that practice has been in existence, of $40,000,000.

Hon. Sir RICHARD CARTWRIGHT—That is reasonable enough.

Hon. Sir MACKENZIE BOWELL—He said if it had not been for this drawback they would never have been able to enter foreign markets and compete with United States manufacturers. Now you grant a bounty providing the article is used for home consumption. Why not give that bounty on manufactured articles exported? If it enabled the manufacturer to export a million dollars' worth of goods, that would mean giving so much more employment to our own people.

Hon. Sir RICHARD CARTWRIGHT—I have very small belief in either bounties or protective measures. I believe in neither one nor the other, but it is not advisable to supply foreign markets with bounty fed iron.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has answered the question which I had intended to ask him when the Bill concerning bounties on steel and iron came up.

Hon. Mr. McMULLEN—Allow me to mention a case which, perhaps, will bring out the point touched by this clause better than anything else. At the present time the United States imposes an export duty upon manila. This will apply in the same way.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. McMULLEN—Now in order to place our manufacturers of binder twine upon a basis that they can manufacture and place their produce in the hands of the Canadian farmer as cheap as it is in the hands of the United States farmer, the

government grant a certain allowance on the importation of manila. It comes in here and is manufactured into twine. Now would it be justice to the Canadian who contributes to the paying of that bounty that that twine should be exported to the United States for sale there and give them the advantage of it, while we allow the importer a bounty upon it? I do not think it would.

The clause was adopted.

On clause 4,

The CHAIRMAN—This is the clause which was allowed to stand over. I am informed by the hon. senator from Toronto that he wishes to withdraw his proposed amendment.

The amendment was withdrawn and the clause was adopted.

Hon. Mr. BAKER, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed on a division.

## HARBOUR COMMISSIONERS OF MONTREAL BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (166) An Act to provide for further advances to the Harbour Commissioners of Montreal.

(In the Committee.)

On clause 2:

2. No such advances shall be made unless the plans, specifications and estimates for the works to be performed by the corporation and on which the money so to be advanced is to be expended have first been submitted to and approved by the Governor in Council.

Hon. Mr. POWER—I think the committee is entitled to some further explanation of this Bill than they have had, and understand that the Speaker is in a position to make an explanation.

The SPEAKER—A question was asked as to the amount of the commission's liabilities to the government. The debt of the Harbour Commission of Montreal so far is $7,010,000, which has been advanced out of loans to the amount of $8,000,000 at their disposal, leaving a balance of $999,000, besides the $3,000,000 appropriated under this Bill, at their disposal to enable them to finish the terminal facilities at Montreal for the increasing trade of the port.

Hon. Mr. BOSTOCK—What is the nature of the improvements?

The SPEAKER—Large steel sheds are being built, and it is hoped that by the end of this season the work will be nearly completed.

Hon. Mr. PERLEY—Who audits the accounts?

The SPEAKER—Money is advanced on reports made and statements filed by the Harbour Commissioners with the Finance Minister. The sheds are double decked, and it is hoped that the tracks will be raised in order to free the wharfs of all railway tracks and utilize the ground floor mainly for the local traffic.

Hon. Mr. PERLEY—Do the Harbour Commissioners render an account of the expenditure to the government?

The SPEAKER—They publish annual statements and they also account to the Department of Marine. Of course, the expenditure is controlled by the Auditor General.

Hon. Mr. GIBSON—Do they produce vouchers for all expenditures?

The SPEAKER—Yes, all vouchers must be filed.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—Here we are voting away millions of money with scarcely a quorum. Having said that, I want to congratulate the probable successor of the Secretary of State for the lucid explanations he has given of this Bill. We are under deep obligation to him for the information he has supplied.

Hon. Mr. BOLDUC, from the committee, reported the Bill without amendment.

The Bill was read the third time and passed.

## SURVEYS OF DOMINION LANDS ACT REPEAL BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (172) An

Act to repeal the Act of the present session intituled : An Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make such surveys.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—This I presume is the result of too rapid legislation.

Hon. Mr. SCOTT—The hon. senator from Halifax raised the point that the curt way in which the repeal was expressed did not revive the portions of the Dominion Lands Act that would have been repealed had the Act gone through, and now to remove any doubt on the subject it is proposed to add these words :

And such portions of the Dominion Lands Act as may have been repealed or altered by the Act had not been passed.

Hon. Mr. LOUGHEED—I looked through the Act which had been passed very carefully, and did not find a single line about repeal in it. This makes it more certain.

The amendment was adopted.

The clause, as amended, was adopted.

Hon. Mr. POIRIER, from the committee, reported the Bill with an amendment, which was concurred in.

## IRON AND STEEL BOUNTIES BILL.

### SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (173) An Act respecting the bounties on iron and steel made in Canada.

He said : I might explain to hon. gentlemen opposite, that the object of this Bill is two fold. In the first place, the bounties which would have expired in 1908 are extended on a reduced scale up to 1910. In the second place, provision is made for granting bounties on any iron which may be manufactured by the use of electricity under the new processes, as to which several experiments are being made.

Hon. Mr. LOUGHEED—Can my right hon. friend says what the subclause of section E means ? It is manifestly a mistake. It reads :

2. No bounty shall be paid under the foregoing provisions in respect of iron or steel made in Canada by electric process after the thirty-first day of December, one thousand nine hundred and eight.

And immediately preceding, that provision is made to extend these bounties until 1910. However, we can rectify that in committee.

Hon. Sir RICHARD CARTWRIGHT—I am not quite sure whether that requires to be rectified. I am rather inclined to think that it refers to iron and steel which is manufactured under clause 1 by that process. After December 31, 1908, this would come under the provisions of clause 2.

Hon. Mr. LOUGHEED—But the table immediately preceding that section graduates the payments of bounties from 1907 to 1910.

Hon. Sir RICHARD CARTWRIGHT—That is quite true. We will see about that when we go into committee.

Hon. Mr. LOUGHEED—We can amend it.

Hon. Sir MACKENZIE BOWELL—We May as well accept it holus bolus. My hon. friend will permit me to congratulate him, whether it is sudden conversion or not. We read of the sudden conversion of St. Paul, but I am inclined to think that that was an honest conversion. I have very grave doubts as to the honesty of the conversion of my hon. friend opposite when he takes charge of a Bill like this, the principle of which he had denounced most vigorously. We all know that he has a marvellous power to use adjectives in connection with the granting of bounties of this character, and as the system was inaugurated by the government in which I had a certain amount of responsibility, whether his conversion be a case of necessity or whether it be honest or not I am not prepared to say, but I am desirous of congratulating him on the fact that he has renounced the opinions in regard to reform which he has held in the past, or if he has not reformed, he has accepted the policy of the opposition. I have heard about political exigencies, and I am rather inclined to think that my hon. friend has been converted under such conditions.

Hon. Sir RICHARD CARTWRIGHT—While I give my hon. friend credit for im-

puting the best motives, still he is a little mistaken on one point. I always thought that, of the two, though I liked neither of them, bounties were better than protection, for the reason that you knew the extent of the robberies under the bounty system, whereas you did not know their extent under protection.

Hon. Sir MACKENZIE BOWELL—I think I have a tolerably good memory on these matters. The denunciation of the bounty system by the hon. gentleman was because money was taken out of the pockets of those who did not use the article, for the benefit of the men who manufactured it; while we contended that under the customs protective duty, that only the man who used the article paid the duty, and that he had the advantage of it. I am rather inclined to think that my hon. friend has forgotten the arguments he used.

Hon. Sir RICHARD CARTWRIGHT—No, I recollect perfectly.

The motion was agreed to.

Hon. Sir RICHARD CARTWRIGHT—I move that the Bill be read at the table.

Hon. Sir MACKENZIE BOWELL—In reference to the address in regard to the subsidies, objection was taken in the Commons, and I think the objection was sustained by the Speaker, that the address which was formerly passed by that House did not go through the regular process of the four stages, first and second readings, committee and third reading. Is there any rule by which we can dispense with the necessity for going into committee? I do not use it as an objection, but I think we had better——

The SPEAKER—The practice has not been the same in the Senate as in the House of Commons. It has been the practice here to dispense with the committee stage in dealing with money Bills.

Hon. Sir MACKENZIE BOWELL—I understand that, but have we any authority for doing it under the rules? I suggest that we suspend the rule and go into committee.

Hon. Sir RICHARD CARTWRIGHT—I move the third reading of the Bill.

Hon. Mr. BOSTOCK—With regard to subsection 2 of clause 1, I think that the intention is to stop paying bounty under the first clause in regard to iron manufactured by electricity. At the present time there is a great deal being done in the way of electrical smelting. Probably before the end of this year, there may be some electrical smelting done in this country, and the idea is that the ore electrically smelted cannot receive the bounty under the first clause or under the second clause. I should like to know from the minister whether, if the ore is electrically smelted before the 31st December, 1908, the company so smelting it would be able to claim under the first clause. They certainly cannot claim that on the second clause.

Hon. Sir RICHARD CARTWRIGHT—I can only give my hon. friend my opinion, and my opinion is that they would be able to claim it, but of course that is a point on which I might have to take the opinion of the Minister of Justice. As I read it, there is no restriction in clause 1 as to how the pig iron is to be manufactured from the ore. It may be manufactured, I take it, by any conceivable process, and would be entitled up to the date of the 31st of December, 1908, to equal bounties. After that it comes under clause 2, the difference being that pig iron manufactured by electrical process in 1909, as the House will observe, gets a much higher bounty under clause 2 than it would if it continued under clause 1. For example, in the case of iron manufactured from foreign ore, there is only a bounty of 70 cents per ton, in 1909, in the ordinary case, and in the cases of pig iron manufactured from foreign ore, there is a bounty of $1.65. I think the bounties in the first case he mentioned would be paid under the 1st clause.

The motion was agreed to, and the Bill was read the third time and passed.

## BINDER TWINE BILL.

### THIRD READING.

The House resolved itself into a Committee on the Whole on Bill (174) An Act respecting the manufacture of binder twine in Canada.

Hon. Sir MACKENZIE BOWELL—I observe that the words binder twine are not mentioned in the first clause from the beginning to the end. It refers exclusively to cordage. I think a difficulty might arise as to whether binder twine could be called cordage, or cordage binder twine. I was looking at one or two dictionaries after reading this Bill, to see whether the word cordage could be twisted into binder twine, or binder twine into cordage. It would not delay the Bill at all, and it would avoid difficulty, if the title were made to read 'Cordage or binder twine in Canada,' because this gives power to pay the drawback upon all cordage manufactured from manila fibre. If you would add the words in the title 'cordage or binder twine' and then add the words 'or binder twine' after the word 'cordage' in the seventh line, and 'binder twine' after the word 'cordage' in the thirteenth line, and also in the last line, it would place it beyond any doubt or any carping hereafter.

Hon. Sir RICHARD CARTWRIGHT—Then I move that it be amended by inserting the words suggested by the hon. gentleman from Hastings.

The CHAIRMAN—The word 'cordage' applies to rope as well as twine.

Hon. Sir MACKENZIE BOWELL—I understand that.

The amendment was adopted.

On clause 1:

1. The Act respecting the manufacture of binder twine in Canada, chapter 5 of the statutes of 1903, is amended by inserting the following section immediately after section 1:

1A. The Governor in Council may authorize the payment to any corporation, firm, or person, manufacturing cordage in Canada from manila fibre, of a bounty equal to the amount paid as export duty in the Philippine Islands on manila fibre produced on those islands and used in the manufacture of cordage in Canada, —the said bounty to be payable only in respect of manila cordage manufactured in Canada on and after the first day of January, one thousand nine hundred and seven: Provided, however, that the bounty shall not exceed three-eights of one per cent per pound on the manila fibre so used in the manufacture of cordage.

Hon. Sir RICHARD CARTWRIGHT—In the latter part of this clause the expression should be 'three-eighths of one cent per pound' not one per cent. So that that will be corrected.

Hon. Sir MACKENZIE BOWELL—I was in error in the suggestion I made in regard to the title. In looking at the statute I find that chapter 5 is intituled 'An Act respecting the manufacture of binder twine in Canada,' and the Bill which is before us at the present moment is extending it to the manufacture of cordage. So that the Bill as it came before us is quite correct.

Hon. Sir RICHARD CARTWRIGHT—I am not quite sure that my hon. friend was not right in the first suggestion. Probably he was quite correct. In chapter 5, the words are 'manufacture of binder twine.' The Bill which has been sent from the Commons is for the purpose of manufacturing cordage. They intend to extend the privilege, I judge, to cordage. It would not do to strike out cordage and it possibly may not do to leave in binder twine.

Hon. Sir MACKENZIE BOWELL—My hon. friend will see that section 5 is not repealed. The proposition now is to extend the bounty to cordage. The bounty on binder twine is provided for by the Act on the statute-book.

Hon. Mr. POWER—I do not undertake to say who is right or who is wrong, but I do not think this House has a right to undertake to amend a money Bill.

Hon. Mr. WATSON—I understand from the Minister of Customs that they intend to extend the bounty to cordage. The Act in relation to binder twine is not touched at all. There is no doubt the error should be corrected.

The CHAIRMAN—It is clearly a clerical error and should be corrected.

Hon. Mr. POWER—If we make the amendment, we can send back the Bill as amended to the House of Commons, and if it is really a clerical error, they can accept the amendment.

Hon. Mr. DeBOUCHERVILLE—But have we the right to amend the Bill?

The SPEAKER—It is a clerical error, and unless it increases the charge we can make the amendment.

Hon. Sir MACKENZIE BOWELL—I do not see why we should not send it back as the hon. member from Halifax suggested,

and let the Commons deal with it as they please. On one occasion we struck out a clause in the money Bill referring to the revenue and expenditure of the country. His Honour the Speaker, at that time, took a very active part in it, and the Commons accepted the amendment.

The SPEAKER—The precedent cited was in the nature of reducing the charge on the people.

Hon. Mr. GIBSON, from the committee, reported the Bill with an amendment, which was concurred in on a division.

The Bill was then read a third time, and passed.

## EXCHEQUER COURT ACT AMENDMENT BILL.

### SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (171) An Act to amend the Exchequer Court Act. He said : The object of this Bill is to give the registrar, Mr. Audet, of the Exchequer Court, a better standing. It is said that the judge of the court occasionally refers subjects to him for judicial decision and that, therefore, he ought to be on a higher footing. The Bill fixed the maximum salary at $3,000.

The motion was agreed to, and the Bill passed through its final stages under suspension of the rules.

## CANADA SHIPPING ACT AMENDMENT BILL.

### SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (175) An Act to amend the Canada Shipping Act. He said : This is a Bill of one clause, the object being to take out of the operations of the Canadian Shipping Act, pleasure yachts and boats owned by private individuals that are not run for hire.

The motion was agreed to, and the Bill passed through all its stages under a suspension of the rules.

## QUEBEC HARBOUR COMMISSIONERS' BILL.

### IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (159) An Act to increase the borrowing powers of the Quebec Harbour Commissioners.

(In the Committee.)

Hon. Mr. SCOTT—An inquiry was made when we were in committee before as to the debt of the harbour commissioners, and a telegram was sent asking for the particulars. We have not yet received a reply. Hon. gentlemen will recollect that in the Bill there is a reference to some $200,000 which was the balance of a larger sum that was authorized under the Act passed in 1899. The sum advanced before the $200,000 was $150,000, so that would amount to $350,000. To that it is proposed to add in this Bill $800,000.

Hon. Mr. POWER—There ought to be some further explanation with reference to these larger sums which are being granted to the Quebec Harbour Commissioners. As to Montreal, we were told that the interest was paid regularly. I should like to know whether the interest on the Quebec Harbour Commissioners' loan is paid ?

Hon. Mr. SCOTT—Those bonds of the Quebec Harbour Commissioners are sold on the market. Canada does not grant the money or guarantee the bonds. We stand aside and allow these bonds to be a lien on whatever property the commissioners have, but we do not guarantee it in any way.

Hon. Sir MACKENZIE BOWELL—My recollection is that interest was paid just as long as the capital lasted, and then it ceased.

Hon. Mr. POWER—There are large sums advanced for which I understand Canada is liable.

Hon. Mr. SCOTT—There is no liability here. They are not our bonds and we do not guarantee them.

Hon. Mr. GIBSON—I understood the hon. Secretary of State to say that a large sum of money had been advanced by the government of Canada, on which no interest had been paid, and by this Bill they simply set aside the claim of the government for the money advanced ; and this money that is being legislated for is to be procured by the Harbour Commissioners of Quebec from the sale of their bonds.

Hon. Mr. LANDRY—I do not think the hon. Secretary of State went so far as to state that.

The SPEAKER—Until the government is ready to make Quebec a national port, we must confide to the commissioners the making of the necessary expenditures and improvements at that port.

Hon. Mr. POWER—As I understand it, a very considerable debt has already been incurred to the government of Canada.

Hon. Mr. SCOTT—That is correct.

Hon. Mr. POWER—As I understand further, the legislation which is now before us to postpone the claim of Canada on the Harbour Commissioners of Quebec by this new loan which is hoped to be made by somebody else. There is this circumstance that, as far as I can make out, for all the great expenditure which has taken place at the port of Quebec there is very little to show. The commerce of the port is not increasing very much, and I notice from another motion which came before us that the graving dock at Quebec, on which large sums of public money has been spent, is found to be unsuited for the purpose. I must say this with respect to the graving dock, that unless large ships make a practice of trying to go into the graving dock of Quebec, there does not seem to be any substantial reason for spending a large amount of money on it.

Hon. Mr. SCOTT—This Bill does not set aside the debt owing to Canada. That was set aside many years ago—ten or fifteen years ago. A reorganization took place, and they obtained authority from the parliament of Canada to issue their own bonds. Canada agreeing that the debt from Quebec should come in subsequent to the limited issue that was then authorized. This is part of that limited issue. They first got $150,000, then $200,000 and now $800,000, a total of $1,150,000. We assume no responsibility in regard to this issue. Quebec gets the best value it can for the bonds in the open market. Nobody is taken in by it. The financial position of Quebec is well understood; there is no deception to anybody.

Hon. Sir MACKENZIE BOWELL—Does the additional power given under this Bill place the bondholders of the first $200,000 in a worse position than if the additional debt had not been incurred? As I understand, the bondholders under this Bill are to be in the same position as the bondholders representing the first $200,000. The $200,000 might be a fair and safe investment—the earnings of the harbour might be sufficient to pay interest on the bonds; but the issuing of $800,000 more might reduce the interest paying power of the commissioners, and the holders of the first $200,000 bonds might be put at a disadvantage. Have the holders of the $200,000 bonds agreed to this or do they know anything about it?

Hon. Mr. SCOTT—That is just the question we asked the harbour commissioners by wire to-day, but we have not had an answer.

Hon. Sir MACKENZIE BOWELL—Is it advisable, under the circumstances, to proceed with this Bill?

Hon. Mr. SCOTT—I think so.

Hon. Sir MACKENZIE BOWELL—I do not know about that, because we are taking away the rights of the parties holding the $200,000 bonds; we are doing an injustice, unless it is done with their consent.

Hon. Mr. McMULLEN—I cannot see how this Bill interferes with the standing of those holding the bonds for which we granted a privilege before. By this Bill the government of Canada is taking a second place on an additional issue of $800,000, but the Bill does not touch the issue that has already been made under previous legislation. The debt of the harbour of Quebec will stand in this way: the legislation under which the $350,000 was previously granted, will virtually stand as a first lien and this $800,000 will come next. We are not interfering with the previous legislation. We are only legislating now to put the $800,000 ahead of what is due the government.

Hon. Mr. SULLIVAN, from the committee, reported the Bill without amendment.

## JUDGES ACT AMENDMENT BILL.

### SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (177) An Act to amend the

Judges Act. He said: This is simply putting the judges of Manitoba on a par with the judges of other provinces in regard to salaries.

The motion was agreed to, and the Bill passed through all its stages under a suspension of the rules.

At six o'clock the Speaker left the Chair.

## After Recess.

### A QUESTION OF PRIVILEGE.

Hon. Mr. SULLIVAN—Before the Orders of the day are called, I desire to correct a mistake which my hon. friend from Calgary made with reference to one of the most important institutions in this country the Royal Military College. He referred to it as an educational institution that was not capable of supplying gentlemen to enter the position of mining engineers, because graduates from it were not qualified as the graduates of universities were, and that a graduate of the Military College would be only on a par with a matriculant of our universities. There could be no greater mistake than that. This Royal Military College is one of the finest institutions for qualifying a student to be an educated gentleman, that there is on this continent. I think it is a great boon to the people of Canada to have an institution of this kind to which they can send their sons. It is not snobbish in any way, the graduates are qualified to act in a gentlemanly manner, and all this talk to the contrary is absurd. If my statement is doubted I have here the calendar of the McGill University Montreal, and I have here also the pamphlet, a poor affair, which is sent out to people who wish to have their children enter the Military College. When the college was started, the course was for four years, now it is three; buf in those three years the following subjects are taught:—The first year commences with the instructions for the classes in mathematics and mechanics, geometrical drawings, military engineering, military topography, military drill, artillery drill, gymnastics, revolver practice and the workshop. This is the first year course, so that you can see the variety of subjects taught. There is no Greek taught in the school and little Latin, but there is a first-class French course.



The course for the second year includes mathematics and mechanics, geometrical drawing, military engineering, &c. In this there are physics, chemistry and reconnaissance, civil surveying, civil engineering, English and French. The last course includes infantry, artillery and signaling, equitation gymnastics, fencing and bayonet drill, swimming, rifle practice, revolver practice, work in carpenter shops. The tendency in this school is not so much towards classics or literature as it is towards technical work. Some of the graduates have gone into the study of law and some of them into medicine, and I will mention a few familiar names of graduates who have carried world-wide reputations. Sir Percy Girouard was one, and the son of Sir Henri Joli is another, who worked up to high positions in the imperial service. Then there is Major Nanton, who has a position in India as an engineer, Dobell and many others. There are several of the Military College graduates holding responsible positions on our railways at home and abroad, and I never knew of any of the graduates who were in any way defective. Hon. gentlemen might go away with the impression that this school was deficient in its teachings and in the subjects taught. Not only is a man given a perfect education, so far as the scholastic part of it is concerned, but morally and physically he is looked after in every respect, and a graduate from that college having done his duty faithfully in it is a gentleman in every respect. He can swim well, write well, handle himself well in boxing and other gymnastics, and has all the mental and physical attributes of a first-class man. To show how far from the truth the assertion of my hon. friend is, the Benchers of the Law Society of Ontario, in convocation assembled, enacted as follows in 1901:

1. The cadet of the Royal Military College of Canada who has received his diploma of graduation shall be entitled to be admitted on the books of the Law Society as a student at law or articled clerk on and subject to the same terms and conditions as a graduate in the Faculty of Arts is or shall be for the time being entitled to admission thereon.

Then the Dominion Lands Act, 49 Vic., cap. 54, section 111, provides as follows:

Every graduate in surveying of the Royal Military College of Canada, and every person who has followed a regular course of study in all the branches of education required by this

Act for admission as a Dominion Land Surveyor, through the regular sessions for at least two years in any college or university where a complete course of theoretical and practical instruction in surveying is organized, and who has thereupon received from such college or university a diploma as civil engineer, shall be exempt from serving three years as aforesaid, and shall be entitled to exemption after one year's service under articles with a Dominion land surveyor (at least six months of which service has been in the field,) on producing the affidavit required by the next preceding clause as to such service ; but it shall rest with the board to decide whether the course of instruction in such college or university is that required by this clause. (Revised statutes of Canada, 1886. Volume I.)

This proves as hon. gentlemen will see, that the graduates of no university in Canada or a brand, has any superior privileges or advantages granted to them than the graduates of the military college at Kingston.

## INCREASED SUBSIDIES TO THE PROVINCES.

MOTION.

The Order of the Day being called.

Consideration of the message from the House of Commons, informing the Senate that they have passed an address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures ; and requesting the Senate to unite with the House of Commons in the said address, by filling up the blank therein with the words 'Senate and.'

Hon. Mr. SCOTT—For the past twenty years, hon. gentlemen will remember that there has been an agitation in the provinces for increased subsidies. A meeting of the premiers and members of the governments of the different provinces met in Quebec in 1897. Since then they have had another meeting six or eight weeks ago in Ottawa. That meeting embraced the representatives of all the provinces. It was thought and believed that one of the provinces at least would not have taken part in this conference, because it did not need an additional subsidy. I allude to the province of Ontario. That province is probably one of the richest in the world. Its revenue for the past year has been a little over seven million dollars. It is occupied by a people among whom wealth is pretty evenly distributed. An illustration of that may be given by a circumstance which occurred recently. Mr. Matheson, the provincial treasurer, a little over a year ago undertook to float a loan in England. The loan was, I think based on three and one-half per cent. He did not succeed. He came back and within the last six or eight weeks a loan of $1,000,000 was placed on the Canadian market at three per cent was taken up by the people of Ontario, to the great surprise of the capitalists of Wall Street and London. No stronger evidence can be offered of the fact that Ontario is an exceptionally rich country. It has vast areas of timber left that are yet under the control of the Crown. It has, as hon. gentlemen know, mines of very great value and immense water-powers. All those are sources of great wealth, wholly apart from the fact that the province is rich so far as horticulture and agriculture are concerned. The fruits of Ontario are of excellent quality, and from year to year the amount that is being produced is increasing. The quantity is limited only by the opportunities of sending it abroad. I saw a statement last year of the enormous quantity of fruit that had simply to be abandoned because it could not be gathered and transported to market. The hogs were turned in and the finest fruit in the world was simply used to make pork. Unfortunately, it is not the same with all the provinces. They all have resources which are equivalent to those of Ontario, but they have been sadly mismanaged.

Hon. Mr. POWER—Oh, no, not all.

Hon. Mr. SCOTT—My hon. friend says not all of them; Nova Scotia may be an exception. It is probably more carefully managed than the other provinces. The province of Quebec, fifty years ago, possessed a great natural wealth in its forest, and had the forestry laws of Quebec been administered on anything like a fair basis that province would not be in debt to the extent of twenty of twenty-two million dollars to-day. Very many fortunes were made out of the forests of Quebec and many of those who obtained their wealth in that way went to reside in London. New Brunswick was also extremely wealthy in timber, but it simply wasted its forests which had they been preserved till to-day, would be worth

more than the mines of California ever turned out. They thought their forests were inexhaustible, and they disposed of their timber on the very foolish basis of putting up their limits to auction every year. The purchasers of those limits, not being sure of the tenure of their limits for more than one year, took the cream of everything and left the inflammable portions in the woods and fires swept more than half of the forest wealth of New Brunswick. I can remember well when I was a boy hearing of the great fires on the Miramichi, the smoke from which was carried up the St. Lawrence as far as Prescott. Up to the time of confederation it was supposed that a basis of settlement was made finally with the provinces. That turned out to be a fallacy. Nova Scotia had not been long in the union until better terms were demanded and granted. On several occasions increases have been made in the provincial allowances. Nova Scotia got for ten years after confederation a subsidy of $82,698 and New Brunswick, $63,700. Many other increases were granted not only to Nova Scotia and New Brunswick, but to British Columbia and Prince Edward Island. By chapter 8 of 51 Victoria, a sum of $20,000 per annum, payable half yearly in advance, was given to Prince Edward Island and a further advance in 1901 of $30,000 a year which was to be in full of all claims for non-fulfilment of the terms of union in respect to maintaining steam communication between the island and the mainland. My hon. friend from Marshfield smiles, but, certainly we had a representative of Prince Edward Island then at the board. Sir Louis Davies was the representative of Prince Edward Island at the time and the argument that Prince Edward Island was not represented is not correct.

Hon. Mr. FERGUSON—Does my hon. friend speak of that as a final settlement ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—The provincial government never looked upon it as final.

Hon. Mr. SCOTT—There is the statute which says it is. There was no repudiation of that; they took the money and gave a receipt in full settlement of all claims on account of non-fulfilment of the terms of union as respects steam communication. Probably it would be more interesting if I come down to recent events. I need not go into the historical parts of it. Hon. gentlemen are as familiar with them as I am myself. At the recent conference, where all the provinces were represented, they finally all agreed except one province, British Columbia. It was represented that the cost of governing the Pacific province was considerably in excess of the cost of governing any other province, arguing that the territory was large and broken, and the cost of administration seemed to be higher for many reasons which I need not now detail. A sum of $100,000 a year extra was agreed to by the members of the conference, and offered to British Columbia for a period of ten years; but British Columbia declined to accept it and protested against the conclusions reached by the conference. The legislature authorized Mr. McBride to go to London and lay the case of British Columbia before the imperial government in the hope that his proposition might be entertained, which was to refer the claims of British Columbia to arbitration. It was recognized that no fairer tribunal could have been found than the premiers of all the provinces who were then present, and who discussed the questions and thoroughly understood the pros and cons, and were, therefore, in a position to pass on whether the demand of British Columbia were reasonable or not. Therefore it was held that so far as the conference was concerned that offer was final. I am not now going to discuss British Columbia; I have done so before. That province is one of the richest parts of the world. It has as fine forests of timber as are to be found on the face of the globe and possesses untold wealth in the bowels of the earth. It has in many parts of it magnificent opportunities for growing as fine fruit as can be produced in California. The fact that it is a very rich country has made it extravagant—I do not hesitate to say so. If you compare the sums paid for all services in British Columbia you will find them higher, I think, than in any other part of the world. As a very recent illustration of that, the papers announce that a workingman in a mine can make $5 to $7 a day. I ask where common labour can rank any-

where within 50 per cent of that. The men who are new to it get $2.50 to $3 a day and so on according to the standard of labour engaged in the mines. A daughter of mine living in British Columbia told me that she had to pay her servant girl $25 a month. Wages have reached a very high level, away above what is reasonable, and it will come down. I quite admit that they pay more per head to the customs and inland revenue of the country than the population of the older provinces do, because they are a consuming population. They have the money to spend and they spend it, but it does not follow that if they placed a proper value on money they could not live within their revenue. I am under the impression that municipal institutions do not exist in British Columbia to the extent they do here; that as a rule in school districts, the people do not pay rates for the schools; that the government contribute to the maintenance of the schools. I would ask my hon. friend from Victoria if I am right in that? The people themselves contribute yearly certain rates for what are called local improvements for schools.

Hon. Mr. MACDONALD, (B. C.)—Yes, in the towns.

Hon. Mr. SCOTT—The school teacher in the rural parts is paid by the government.

Hon. Mr. MACDONALD (B.C.)—They are partly paid—a small share by the province and a larger share by the cities and municipalities.

Hon. Mr. SCOTT—Take Victoria and Vancouver?

Hon. Mr. MACDONALD, (B. C.)—Formerly the provincial governments paid the whole, but now they do not do it.

Hon. Mr. SCOTT—I am right in the main, that they have not the local assessment that we have in the other parts of the Dominion; that the government, from its resources, contributes more largely to what we call the municipal arrangement in the other provinces. They have not the municipal organizations to the extent that we have here, and, therefore, I think that British Columbia ought to set itself in order, live on the same plane as other parts of the Dominion. The very fact that copper coin is not current on the coast is an illustration that it is on a high financial basis. You can buy nothing less than five cents.

Hon. Mr. MACDONALD, (B. C.)—You never see a copper coin out there.

Hon. Mr. SCOTT—That is one of the illustrations. What other country is there in the world where you cannot buy something for a penny. There are portions in the world where a man can buy a farthing's worth.

Hon. Mr. GIBSON—The tenth of a farthing.

Hon. Mr. SCOTT—Yes, but I am not speaking of China. We know what a penny will do in Great Britain, and the eastern provinces of Canada, and therefore it is simply a confirmation of the argument I have used, that British Columbia from its very wealth has become extravagant, because it has more wealth, man for man than any other part of the world that I know of, and it has, in addition to that a new source of wealth that is now coming in, and in the next twenty-five years will have a marked influence on the development of the industries of the province. I refer to electricity. There is nothing that will develop electricity so cheaply as the mountain streams with which British Columbia abounds. You cannot name a source of wealth natural to a country that British Columbia does not possess. However, that is beside the mark. They have chosen to protest against the subsidy decided on and Mr. McBride was here a day or two ago for that purpose. I gave him a letter recommending him to the consideration of the authorities in England and he will immediately have to call on the colonial office and have his case properly presented. The basis of the appeal is on the lines that I have indicated, that the expenses of living are greater, and that British Columbia contributes more per capita to the revenues of this country than any other part of the Dominion. I am quite prepared to concede that. Coming back to the practical part, let us see what the conference really agreed to. The basis laid down in the address we have under consideration as follows :

| | |
|---|---|
| (a) Where the population of the province is under 150,000 | $ 100,000 |
| (b) Where the population of the province is 150,000, but does not exceed 200,000 | 150,000 |
| (c) Where the population of the province is 200,000, but does not exceed 400,000 | 180,000 |
| (d) Where the population of the province is 400,000, but does not exceed 800,000 | 190,000 |
| (e) Where the population of the province is 800,000, but does not exceed 1,500,000 | 220,000 |
| (f) Where the population of the province exceeds 1,500,000 | 240,000 |

B. Instead of an annual grant per head of population now allowed, the annual payment hereafter be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census ; (or, in the case of the provinces of Manitoba, Saskatchewan and Alberta, respectively, by the last quinquennial census or statutory estimate), until such population exceeds 2,500,000, and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

Those words are taken from the constitution of the provinces of Manitoba, Saskatchewan and Alberta. As the population was increasing more rapidly in those areas, parliament thought fit they should have a quinquennial census, and then, if the population came up to a certain figure, they might also have a count between the quinquennial, taking an estimate, not an actual census, at every two years and one-half. The eighty cents per head will go to each province until the population exceeds 2,500,000, and then at the rate of 60 cents per head for so much of the population as will exceed two and a half million.

Hon. Mr. MACDONALD (B. C.)—That will make a great difference to Ontario and Quebec.

Hon. Mr. SCOTT—Of course it will. I have a statement here of what the allowances will be at the present time. Ontario is drawing $1,996,000. Under the new terms Ontario will draw $2,784,000, the increase being $789,000, something over three quarters of a million. In Quebec the increase will be from $959,000 to $1,558,000, being an increase of practically $600,000. In the case of Nova Scotia there will be an increase of $177,000. In New Brunswick an increase of $130,000. Prince Edward Island, an increase of $70,000. In the last three years Prince Edward Island had an increase of $100,000.

Hon. Mr. FERGUSON—Did the hon. gentleman say for the last three years ?

Hon. Mr. SCOTT—Yes in the last three or four years, the increases added together make $100,000. I have no desire to take from Prince Edward Island anything we can fairly give to them. I quite recognize the hon. gentleman's position, but I think they could not be in a better position than they are. Let me ask my hon. friend could the Island keep up the railway ? That railway was built specially for the Island. It costs about $1 a head of the population to operate the railway, apart from any other expense.

Hon. Mr. FERGUSON—What does the hon. gentleman mean by that ?

Hon. Mr. SCOTT—I mean the cost is about $90,000 a year for keeping up the railway.

Hon. Mr. FERGUSON—A deficit ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—No.

Hon. Mr. SCOTT—That was the amount the last time I looked at the figures.

Hon. Mr. LANDRY—That is the expense.

Hon. Mr. SCOTT—Yes, the cost. It is not paying the interest. The last time I looked at it, a year and a half ago, it was $84,000.

Hon. Mr. FERGUSON—And is that in addition to the interest Canada pays ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—The hon. gentleman is wrong. Canada does not pay one cent of interest on the original cost of the Prince Edward Island Railway. Prince Edward Island is charged with every dollar of it.

Hon. Mr. McMULLEN—Oh.

Hon. Mr. FERGUSON—I expected the hon. gentleman to say that, because he does not know any better.

Hon. Mr. SCOTT—I think my hon. friend is joking ; he is not serious in that statement. Manitoba receives an increase of $130,000. Saskatchewan an increase of $130,000 ; Alberta, $100,000 ; British Columbia, $265,000, an increase from $177,000 to $392,000.

Hon. Mr. MACDONALD (B.C.)—On what basis is the increase to Alberta and Saskatchewan given? Because those provinces were liberally dealt with and got more than they were entitled to two years ago.

Hon. Mr. SCOTT—This advance is on the same basis, but I admit that it is very liberal, because we granted them their constitution only two years ago and in that constitution I think our terms were extremely liberal.

Hon. Mr. MACDONALD (B.C.)—Yes, extremely liberal.

Hon. Mr. SCOTT—We found the expenses were heavy there. They had no revenue. They may find gas, coal or some other resources, but apparently they had no sources of revenue. They had not land and timber wealth and therefore we were probably more liberal to them. We recognized also that population was flowing in very rapidly, and that was a consideration. The distances in those provinces were very great and settlers had to build bridges and make expensive roads. Now the total cost, which is the important matter for us to consider in the increases, will be $2,342,008. That is what it amounts to. The object of granting this aid, wholly through an imperial statute by an amendment to the British North America Act, was in the hope that it might be a finality. Whether subsequent years prove we are right in our hopes and anticipations, of course I am not in a position to foreshadow. But, certainly, it is on a better basis than any of the settlements that were made before. We made, in the way of special grants to all the provinces from time to time, additions to the allowances. We did it of our own free motion, and by Acts of parliament passed in the Canadian parliament. It was thought by adopting a different method, and having the British North America Act amended in the particulars I have described here, that it would be recognized more as a finality, that in future parliament would hesitate about touching the arrangement, that the premiers themselves admitted was a final arrangement. They were satisfied with it. It was on the basis they asked nearly twenty years ago at a conference held in Quebec and repeated once or twice in that time, so that it is surrounded by circumstances that would justify one in coming to the conclusion that it should be regarded as a finality, and, if it can be so regarded, I think it is a fortunate circumstance that we shall have aided the provinces and at the same time have shown them that in future they must depend upon their own resources.

There is one province which ought to receive our sympathy. That is the province of Quebec where the debt account is very much more in proportion to its population than that in any other province, but I am happy to say that, in the last few years, Quebec has been improving its condition. No doubt the forests of pulp wood which it possesses, and its fine water-powers and the mineral resources that will be developed in the next few years, will bring Quebec up to a better financial position. We all hope it is so, because, at the present moment, Quebec is labouring under a very heavy debt which requires a large sum in the way of increase to carry on the affairs of that province.

Hon. Mr. MACDONALD (B.C.)—It is a matter of satisfaction to me that this matter has gone this far, for it will be in the recollection of the hon. Secretary of State and other hon. gentlemen here, that for three or four years I systematically put forth what the provinces were doing, what they were paying to the Dominion, and what they were getting back in return. I showed them that the people of British Columbia paid three times per head as much as the province of Quebec or Ontario, about four times as much as Nova Scotia and New Brunswick and at that time the hon. Secretary of State will remember that he was strongly against me. He said the provinces were extravagant, and they would only waste money, and that it was much better that it should be handled by the Dominion government. I am glad that my hon. friend has put his case so strongly, as if he had his whole heart in it and things will go on smoothly. I cannot see any reason for applying to the imperial government for an amendment to the British North America Act. The only good it will do, as we have been told just now, is that it will be a finality, that the provinces will hesitate, and they will be told we cannot go to the imperial government again. You

have this concession and you must be satisfied with it, otherwise we know that periodically there have been additions to the provincial subsidies in New Brunswick, Nova Scotia and Prince Edward Island, without consulting the imperial government at all and there will be no further occasion now to go to the imperial government. Supposing the Dominion parliament voted ten times what they now proposed to vote to the provinces, would Great Britain find fault or say a word? She would say nothing. It would not be her concern. She would not be required to pay any of the cost, therefore, she is indifferent in the matter. With regard to British Columbia the hon. Secretary of State has spoken very well of the province and it is not necessary for me to say anything further, but as far as the extravagance is concerned, the govment of that province is not extravagant. The people are, as evidenced by the revenue they pay—which is over $20 per head of the population—more or less extravagant, but the government is not extravagant. They have a difficult country to govern. They have roads to open and a large staff of officials all over, in the mines in different parts of the country, and the government requires all the money that they can get. So that, at the present time, there is a plethora of revenue in British Columbia arising chiefly from the timber. People from other parts of Canada and and the states are rushing into the country and picking up all the timber areas of the province and that has given a large revenue last year and this year. With regard to the action of the Premier of British Columbia in refusing what the other provinces offered to concede and what the Dominion government would agree to give, it would not do for me to say anything about that gentleman as he is not here to defend himself, but I disagree entirely with the course he took. I may say that he has gone to England to the Colonial office without having a single vestige of a legal claim. Whatever the province is entitled to legally, it received from the Dominion of Canada and whatever the Dominion is giving us is a concession or a conciliation apart from legal rights, and on these grounds I differ entirely with the premier of my own province. He will not receive one single farthing. The government of England cannot do anything more than to suggest to Canada that it might do a little better, and it will be left entirely to the good wishes and graces of the Dominion of Canada. I think all members in this House will agree that this address be presented to the imperial government. I for one do, because it is a question that I have agitated for the last three or four years that the provinces should get more fair play, and at that time I showed how much better the Australian provinces were treated than the provinces of Canada. In Australia a stipulation was made when they went into confederation that they should receive all the revenue back collected on their own estates, excepting their proportion for a federal parliament. So that the provinces of Australia got back last year $35,000,000 without asking for it. It was theirs by right and the hon. Secretary of State will remember that the provinces here have been pressing for concessions year after year begging for it.

Hon. Mr. FERGUSON—Before proceeding to discuss this address in a general way, I want to deal with one or two statements made by my hon friend the leader of the House; and I wish to say in the first instance that if it were not for the high position he occupies, and for the very great courtesy he always shows to the opposition in the House, and for his years, I would be inclined to find rather a harsh word for the very extreme lack of information which he showed when he referred to the case of Prince Edward Island this evening. I thought the hon. gentleman was going on to repeat a statement which I heard him make on a previous occasion, and in order to make it clear what he meant I asked him if the Dominion government paid interest on the original cost of the Prince Edward Island Railway, and he said they certainly did, and a number of gentlemen around him seemed to express a good deal of satisfaction when that statement was made. Let me tell my hon. friend and the hon. gentlemen around him, that he is entirely wrong. The extreme sectionalism of these gentlemen is at once apparent when they look beyond their own province. When the island went into confederation, every dollar of the cost of the railway was charg-

ed up against the province. There was a difference between the debts of Prince Edward Island and Canada, and we would have been entitled to $3,200,000 in cold cash were it not that the cost of the railway, being an actual debt of the Island, had to be deducted from the assumed debt, and we have been ever since bearing the first cost of the Prince Edward Island Railway. I think it is deplorable that my hon. friend, representing the government in this House, should make such an assertion. I know that he did not do it intentionally to deceive, but the effect is the same. At the time of confederation, every dollar of the cost of the railway was charged against the province, and it has been borne by the province ever since. In the last few years there have been some branches built in the province that are charged against the Dominion of Canada, but that is all.

Another statement my hon. friend made was, that in 1901 the provincial government were paid $30,000 in lieu of, the claims of the province against the federal government in consequence of the non-fulfilment of the terms of confederation regarding winter communication. I think my hon. friend read from the statute. I heard a good deal about that in Prince Edward Island. Mr. Farquharson, who was the premier of the province at the time, when confronted in Prince Edward Island on the platform about making any such bargain as that, said, "they put it in the statute; but we passed an order in council saying we would not accept the money on any such condition." However, the money was paid. The hon. gentleman could pass a statute with reference to it, but that is the statement which the late Mr. Farquharson made. He insisted that he did not commit himself in any way to Canada further than to accept that money after an order in council was passed such as he described. At any rate the settlement only extended to 1901. I did not intend to deal with this matter, but the hon. gentleman introduced it, and rendered it necessary for me to reply.

I am entirely opposed to this address. I think we should not invoke the power of the British parliament to legislate upon this matter until the parliament of Canada is possessed of full information in regard to it. It is said that the subject has been engaging public attention for a great many years. So it has, but in what way? A conference was summoned in Quebec in 1887, which was well understood at that time to be a political movement against the government of Sir John Macdonald by the late Mr. Mercier. It was looked upon at all events as having that object in view. I was a member of the government of Prince Edward Island at that time. We looked upon it in that way, and we were not represented at that conference. We did not take any notice of it. Resolutions were passed and claims were made for a raid on the treasury of the Dominion. It was well known that the treasury of the Dominion could stand no such strain at that time. Extraordinarily great obligations rested on the federal government; the Canadian Pacific Railway was only just completed, and there were a great many other things on its hands. The great development which has occurred within the last number of years had not set in, and it was impossible for the government of Canada to entertain any such proposition as that in 1887. It was not considered very serious except by the Hon. Mr. Mercier himself, and perhaps a few of his friends. Another conference was held in 1902, I think, at Quebec also. I have looked over the list of the gentlemen who attended these various conferences, and I find that there were only three men in the conference of 1887 who took part in the conference of 1902. Another conference was held last November.

There was not one single man in the last conference who took part in the conference of 1887. The fact was, that whatever work was done and whatever conclusions were arrived at, were practically lost sight of. There was a record of them, that is all. Another set of men came together without the knowledge obtained by the first set of men, and still another set of men came and they put together a lot of resolutions and brought enough influence to bear on the government of Canada to take them up seriously. It will require but little examination of the resolutions passed to see how carelessly the work was done. The address that we are now considering, indicates what Mr. Mercier and his friends had in their minds in 1887. It appears from remarks made by

him at last November's conference, that Sir Wilfrid Laurier insisted that the Mercier plan of 1887 should be adhered to, notwithstanding the lapse of twenty years and the inevitable change of circumstances.

It will be found if the matter is carefully looked into, that a far-reaching rearrangement of the subsidies to the provinces is to be found in the address now before us. We have within the last few weeks been eye witnesses and ear witnesses to a good deal of confusion and bungling with regard to this address, showing that ordinary care has not been used in bringing it before this parliament, and hon. gentlemen can very well reason from the known to the unknown, and conclude that there has been a great lack of care with regard to the construction of the original resolutions. When confederation was inaugurated, in 1867, it was really a treaty between what were autonomous provinces. The delegates representing all the provinces that are now in the confederation in eastern Canada—the west was then unoccupied—and delegates from Newfoundland came together and formed the frame work of confederation. One of the most difficult questions they had to settle was the maintenance of the provincial governments. The fixing of the amount that was to be handed over to them by the federal government in lieu of their surrendering their customs and excise revenues. It was a question on which the conference, at one stage of its deliberations, was almost broken up in despair. I will read from Hon. J. H. Gray's book on confederation, a very short, but an absolutely accurate account of what took place in connection with the framing of No. 62 of the Quebec resolutions, which was the basis of section 118 of the British North America Act:

> It was absurd, therefore, to suppose that the delegates from those provinces could consent to any propositions for union that did not make adequate provisions for meeting the existing wants and contributions to which their people had been accustomed. It was equally hard to make the representatives of the people of Upper Canada understand that that was right. In vain was argument used. It amounted to nothing. Unless some compromise could be effected the discussion about union might as well cease. Subsidies were proposed, the expenses of each local government in calculation, reduced to the smallest figure—the general governnment assumed the burden of every expense that could possibly be considered of a general character—but still as the distribution was to be by population the provinces of Upper Canada would receive what it did not want, while the others did not get what they did want. Agreement seemed hopeless, and on or about the tenth morning after the convention met, the conviction was general that it must break up without coming to any conclusion. The terms of mutual concession and demand had been drawn to their extremest tension and silence was all around. At last a proposition was made that the convention should adjourn for the day, and that in the meantime the Finance Ministers of the several provinces should meet, discuss the matter among themselves, and see if they could not agree upon something. Accordingly, Messrs. Brown and Galt on behalf of Canada, Dr. Tupper and Mr. Archibald of Nova Scotia, Mr. Tilley of New Brunswick, Mr. Pope of Prince Edward Island, and Mr. Shea of Newfoundland, withdrew for that purpose.
>
> On the following morning they reported the conclusions at which they had arrived. These with some modifications, after some discussion, were ultimately adopted by the convention, reduced to resolutions, and the 'financial crisis' passed away.

I read this so that hon. gentlemen may clearly appreciate the great difficulty which stood before the fathers of confederation with regard to this financial basis which we are so thoughtlessly setting aside to-day, in order to substitute for it an entirely different basis. The difference between the upper and lower provinces—for that is what it amounted to—between the larger and smaller provinces, was this, that it took a great deal more money per head to maintain the machinery of government in a small province than in a large one, and a subsidy based strictly on population would give a large province like Ontario more revenue than it needed, and would not give enough to small provinces like Prince Edward Island or Newfoundland, without resorting to direct taxation. I remember George Brown saying that it was felt all around that there could not be a union unless assurance was given to the small provinces that the provincial governments could be maintained without recourse to direct taxation. Here is what George Brown said after quoting what another gentleman had said:

> This testimony is conclusive. Lower Canada would not have entered confederation if, as a consequence, she had been obliged to resort to direct taxation to levy the revenues necessary to carry on her domestic affairs. What was true of Lower Canada was equally true of the maritime provinces. Nova Scotia, New Brunswick, Prince Edward Island, would not have agreed to enter confederation if, as a consequence, direct taxation had to be resorted to.

Now what was the basis arrived at? You will find it in section 118 of the British

North America Act, and in order that we may clearly understand our position, I shall read the whole section. There were two methods by which the provincial governments were to receive subsidies from the Dominion government with which to carry on their administrations:

The following sums shall be paid yearly by Canada to the several provinces for the support of their governments, and legislatures : Ontario, $80,000 ; Quebec, $70,000 ; Nova Scotia, $60,000 ; New Brunswick, $50,000.

And an annual grant in aid of each province shall be made, equal to 80 cents per head of population as ascertained by the census of 1861, and in the case of Nova Scotia and New Brunswick by each subsequent decennial census until the population of each of those two provinces amounts to 400,000 souls, at which rate such grant shall thereafter remain. Such grant shall be in full settlement of all future demands on Canada and shall be paid half yearly in advance to each province ; but the government of Canada shall deduct from such grants, as against any province, all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in this Act.

Therefore, hon. gentlemen will observe that in fixing both these sources of provincial revenue, population was not adhered to, and, as I read from Hon. J. H. Gray's book, it was impossible to have confederation if they had not done that. The larger provinces were to receive their per capita allowance on the population of 1861, and it was not to be increased. The smaller provinces were to receive theirs on each succeeding decennial census until they reached a population of 400,000. Let me refer for a moment to what took place in the conference of 1902, held in Quebec —that is one of the three conferences that have been held of the provincial premiers and governments. My hon. friend from Middlesex was premier of Ontario at that time. He was not able to attend that conference, but on behalf of his government he sent a memorial which amply and fully recognized the basic principle on which the federal subsidies were fixed in 1867. In that memorial, he proposed that the population of all the provinces at each decennial census should govern in reference to the per capita allowance, but that the smaller provinces should be compensated by more liberal grants for government and legislation. I shall read from the hon. gentleman's memorial, on page 21 of the report of the conference of 1902. After giving his views on the per capita subject which I have already stated he said:

(2) That in the case of provinces with a population less than one million, an annual allowance of $200,000 should be made in addition to the subsidy in the preceding paragraph mentioned, for the maintenance of civil government and legislation, and, in the case of provinces with a population of one million or over, an annual allowance of $300,000 for similar purposes.

Had that proposition which my hon. friend made on behalf of the great province of Ontario been put in the resolutions of 1902, or the resolutions of 1906, there would not be one word of complaint from Prince Edward Island. My hon. friend, with a spirit of fairness which did him credit, speaking for the great province of Ontario, suggested that that was what should have been done. Let me refer to how differently this is being worked out in the plan before us. I have a table here prepared with reference to this subject. I am now dealing with the per capita allowance to all the provinces :

ALLOWANCE PER CAPITA.

| — | Now Allowed. | Proposed Allowance. | Increase. |
|---|---|---|---|
| | $ | $ | $ |
| Ontario | 1,116,872 80 | 1,746,359 60 | 629,484 80 |
| Quebec | 889,252 80 | 1,319,118 40 | 429,865 60 |
| Nova Scotia | 320,000 00 | 367,659 20 | 47,659 20 |
| New Brunswick | 264,896 00 | 264,896 00 | |
| Manitoba | 292,550 40 | 292,550 00 | |
| British Columbia | 142,925 60 | 142,925 00 | |
| Prince Edward Island | 87,262 40 | 87,262 40 | |
| Alberta | 200,000 00 | 200,000 00 | |
| Saskatchewan | 200,000 00 | 206,210 40 | 6,210 40 |

The Prairie provinces having already had their per capita allowance placed on a most liberal basis could not look for further advantage in this readjustment.

Under this head, you alter the financial basis of confederation. You give Ontario an increase of $629,000, Quebec an increase of $429,000, and you do not give a cent to Prince Edward Island or New Brunswick. I am now speaking of the per capita allowance. What does that mean? It means that by capitalizing these amounts at three per cent, you give Ontario $20,982,206.66 and Quebec $14,328,820, and not one cent to Prince Edward Island, and this too without taking into consideration the immense advantages to the large provinces certain to arise from the provision that the per capita for the future is to be based on each recurring decennial census. Do hon. gentlemen wonder that, speaking on behalf of the province of Prince Edward Island, I am not pleased or satisfied with this address?

I now come to the allowance for government and legislation. There is a clumsy attempt made in this address to base that subsidy on population:

ALLOWANCES FOR GOVERNMENT AND LEGISLATION.

| | Now Allowed. | Proposed Allowance. | Increase. |
|---|---|---|---|
| | $ | $ | $ |
| Ontario | 80,000 00 | 240,000 00 | 160,000 00 |
| Quebec | 70,000 00 | 240,000 00 | 170,000 00 |
| Nova Scotia | 60,000 00 | 190,000 00 | 130,000 00 |
| New Brunswick | 50,000 00 | 180,000 00 | 130,000 00 |
| Manitoba | 50,000 00 | 180,000 00 | 130,000 00 |
| British Columbia | 35,000 00 | 150,000 00 | 115,000 00 |
| Prince Edward Island | 30,000 00 | 100,000 00 | 70,000 00 |
| Alberta | 50,000 00 | 150,000 00 | 100,000 00 |
| Saskatchewan | 50,000 00 | 180,000 00 | 130,000 00 |

A glance at these figures reveals the fact that no compensation is made to the smaller Provinces, except to some extent in the case of British Columbia, for the enormous concessions in favour of the larger provinces in the matter of the per capita allowance. The increasees in the grants for government and legislation are as follows, namely: Ontario, 200 per cent; Quebec, 243 per cent; Nova Scotia, 216 per cent; New Brunswick, 260 per cent; British Columbia, 320 per cent; Prince Edward Island, 233 per cent; Manitoba, 260 per cent: average for the 7 provinces, 247 per cent. The status quo is fairly preserved as far the grants for government and legislation are concerned, but there is absolutely no quid pro quo for the enormous gains, to Ontario and Quebec caused by the change in computing the per capita allowance.

In the per capita matter, Prince Edward Island stands looking on while the large province of Ontario receives what is equal to a capital of over twenty million dollars, with a prospective advantage in the matter of increased population as future censuses occur, which is probably worth as much more. Quebec likewise gains very much, and the west gains prospectively enormously; but owing to the fact of Prince Edward Island being a small island thickly peopled, all its lands occupied, having no resources beyond its agriculture and fisheries, it is impossible that it can keep pace with the other provinces, in population. Relatively the other provinces stand near to one another, as far as the per capita is concerned, with the exception of Prince Edward Island, which stands to gain not one cent under this head either now or probably at any time to come.

I am bound to say it is not the fault of the province of Ontario that Prince Edward Island has not got justice, for my hon. friend from Middlesex, as I have already said, made a suggestion in 1902 which, had it been adopted, would have fairly met the case of Prince Edward Island. But another

set of men appear to have prevailed, who did not look at the subject in the fair and statesmanlike way that my hon. friend viewed it, and, apparently, the representatives of our provincial government paid so little attention to the interest of Prince Edward Island, that it is not much wonder that we did not receive justice. I have gone over the proposed change, and I cannot see how hon. gentlemen can fail to agree with me, that the province of Prince Edward Island has been sadly overreached. I lay the blame at the door of our own government, who were represented at these conferences, and I say, that they will have something to answer for when they go before the people of Prince Edward Island, on account of the part they took at this conference and in agreeing to these resolutions. I earnestly hope my hon. friend and his colleagues will consider the matter very fully before they proceed any further with this subject.

I have this consolation, that I think there is not much danger of any amendment to the British North America Act passing until there will be an opportunity for sober second thought on the whole matter. The protest of British Columbia must effect a pause. I do not think Sir Wilfrid Laurier would advise the British ministry to submit a Bill to the imperial parliament on this subject, when one of the provinces has absolutely refused to acquiesce, and another has given its concurrence in such a way that it is well known that such assent does not represent the views of the people. I ask my hon. friend to consider whether it is right to go on under the circumstances. My hon. friend may say: Oh, Prince Edward Island has given its consent constitutionally. If the address passes the legislature of the province, the constitutional assent of the province will be obtained. There can be no doubt about that, but the people have not been consulted. We heard a good deal about the manner in which Nova Scotia entered confederation. The legislature of Nova Scotia took action at that time without an appeal to the people, but we hear the echo of the grumbling and complaint to this day, that Nova Scotia was dealt with at that time without the consent of her people, and it would be equally culpable to change the British North America Act now without fuller consideration.

At any rate, if the protest of British Columbia is insisted upon, the matter, I submit, will have to remain open. At the time of confederation the union was regarded as a treaty. The British government would not listen for a moment to a proposal to put any province into the confederation, unless its legislature had given its consent. Is it right, then, to change the financial basis that was adopted as a treaty at confederation, without the consent of one; of the provinces? If it could be done without the consent of one province, it could be done without the consent of three provinces, or with five approving and four dissenting. My contention is, that it is not right to do it until there is a general assent to the proposition.

My hon. friend remarked a few minutes ago that many of the provincial governments were extravagant, and that the resources of the provinces had been wasted, at all events, money had been expended on subjects which the provincial governments might well have avoided undertaking. I know that is true of some provincial governments that have launched out into railway expenditures which they might well have left alone, as the federal government is covering that field by subsidies all over Canada. But I want to say this, that no such charge can be laid against any provincial administraion in Prince Edward Island since confederation.

Hon. Mr. SCOTT—I did not include Prince Edward Island.

Hon. Mr. FERGUSON—I know my hon. friend did not. Although my political opponents are in power in Prince Edward Island, I have this to say for them, that they are economical, even to meanness, except in the absolutely useless expense which they have incurred in delegations to Ottawa and London and much mismanagement of Public works. The members of the administration are themselves paid only $1,200 a year, and that is the largest salary paid in the province to any official, and, so far as I know, there are only five men in the province paid out of the treasury even to the extent of $1,200

a year. When I mention that, I am able to exonerate the provincial administrations of either party from the charge of serious extravagance. Of course there are some branches of the expenditure which have gone on increasing. I have here on that subject some figures which I will submit to the House :

Increase since 1872.

| | |
|---|---|
| Administration of justice.. .. | 237 p.c. |
| Education.. .. .. .. .. .. .. .. | 91 p.c. |
| Public works.. .. .. .. .. .. .. | 27 p.c. |
| Paupers and lunatics.. .. .. .. | 100 p.c. |

Direct taxation in Prince Edward Island for Provincial purposes.

| | |
|---|---|
| In 1872.. .. .. .. .. .. .. .. .. .. | $14,085 |
| In 1905.. .. .. .. .. .. .. .. .. .. | 75,762 |
| Increase of direct taxation.. .. | 400 p.c. |

It is true the cost of administration of justice has increased, but, on the other hand, there has been a reduction in the expense of legislation of from about $18,000 to $8,000 per annum, so that the necessary expenditures on such branches as administration of justice, education and public works which are almost uncontrollable, have gone on increasing, while other expenditure have been cut down to the very point of meanness.

I wish now to point to some things which have been said elsewhere by two prominent gentlemen with regard to the question of direct taxation. The first quotation is from the remarks made by the hon. Minister of Finance in the House of Commons on the 25th of March last. He said :

The principle of avoiding direct taxation, of raising money not only for the purposes of the Dominion but for the purpose of the provinces as well by indirect taxation was recognized by the provinces from the beginning, had to be reorganized from the beginning, one is justified in saying ; otherwise, the provinces would not have come together. Had the provinces been told at that time, that though they were not to be obliged at once to enter upon a system of direct taxation, they must expect to look forward to it at an early date, I think most of the provinces would have objected. Although for the moment they consented to a limitation upon the subsidy they were to receive, it is only reasonable to suppose they imagined that with the growth of the country their other revenues would be so increased that they would have been able to carry on their public affairs without resorting to direct taxation. It is not reasonable to suppose—as has been suggested in the discussion to-day—that the provinces entered confederation with the expectation that they should be called upon to resort to direct taxation in a general form, for the purpose of maintaining their provincial governments and provincial legislatures.



I am quoting from the words of Mr. Fielding, spoken within the last month. I shall now read the utterances of the Rt. Hon. Sir Wilfrid Laurier, premier of Canada on the same occasion :

Ever since the British provinces of North America have been granted representative government, the only mode, so far as my information goes, by which they carry on their domestic affairs, their municipal government and their legislatures, has been by means of customs excise duties. Therefore it is not to be wondered at that when the provinces represented at that conference agreed to surrender to the central government the exclusive power of taxation by way of customs and excise, they should at the same time have stipulated as a condition precedent that a certain portion of the revenue thus collected should be returned to them, and a portion sufficient to permit them, without having recourse to direct taxation, to carry on their provincial affairs. This is the reason of the enactment which we have before us in the 64th resolution of the Quebec conference to which I have just called the attention of the House ; it was one of the many compromises which had to be made in order to render confederation possible, and without which probably confederation would have remained but a dream.

Confederation would have remained a dream, had the small provinces not received the assurance in 1867 that they would be enabled to carry on their affairs without direct taxation. Mr. Fielding and Sir Wilfrid Laurier now take the same ground, that we must make that assurance good to-day and must increase the subsidies to the provinces, in order that they will not be obliged to resort to direct taxation.

With strange inconsistency, however, they are now pressing for a readjustment of the Provincial subsidies, which will crush the smallest member of the confederation under a burden of direct taxation.

Let me point out the position of Prince Edward Island in that matter, at the present moment. Our direct taxation for provincial purposes has increased over 400 per cent since confederation. We are now collecting by means of direct taxation nearly thirty per cent of our revenues, including the amounts we receive from the government at Ottawa. I think when hon. gentlemen hear that statement, they will feel that our position is not a very satisfactory one, and notwithstanding all that, there is not one of these taxes that could be taken off, if this address goes through. On the contrary, there would be a deficit perhaps within five years. There will be a deficit notwithstanding the

passage of this address, and within five years there will have to be an increase of taxes. We have a poll tax for provincial purposes. We have an income tax for provincial purposes. We have a tax on all the real estate of the province. The land is all covered by taxation. We have taxation which reaches banks and commercial travellers, insurance companies, incorporated companies of all kinds. We have also succession taxes and still that is the financial condition of the province.

Why should it be so ? Let hon. gentlemen reflect for one moment. There was one thing in the basis of confederation which made an equal partnership for the future almost impossible, and that was the matter of territorial resources. Prince Edward Island had absolutely none. It held about one-third of the province, which it bought from absentee proprietors at its own expense, and was selling out to the tenants or occupiers at a loss. It may not be within the knowledge of every hon. gentleman within the range of my voice that in 1769 the whole province of Prince Edward Island was divided into lots and given away to adventurers who had some fancied claim on the British government. These people settled the country with immigrants whom they brought from the old country, who were accustomed to pay high rents at home, and who were told that they would get their land for 25 cents an acre in Prince Edward Island. They little knew that they were coming to a land studded from one shore to another with forest. The proprietor's agent promised them that they were to get the land for 25 cents an acre, but they found a different situation from what had been promised, and any hon. gentleman who knows anything about the early history of the country will understand why it did become a real grievance.

In other provinces the land was given a free gift to the people, but in Prince Edward Island the people came as bondsmen to the proprietors. The situation was a grievous one, and there was a long and fierce agitation in the province, so that troops had at one time to be brought there. The Hon. Geo. Coles, the Liberal leader in the province, inaugurated a plan by which the proprietors' interests were to be bought out. A good many of the estates were bought before confederation, and every dollar of debt Prince Edward Island had at the time of confederation was incurred in buying back the land from the men to whom it had been given by the British government. My hon. predecessor, the late Senator Haythorne, was a very active public man, a highly useful and able man. When Canada knocked at our doors again and again asking that Prince Edward Island should come into confederation, and offered to give a grant, to recompense us for our lack of land and to enable us to buy out the proprietors, Senator Haythorne, who was leader of the government in the province, refused and said: 'No, we do not want the money from Canada. The British government owes that money to us, and it is their duty to make good our territorial revenues. If we take it from Canada, it will be held up against us that we owe that amount to Canada, and it will be given as a reason why we should not get other things which would justly be coming to us.' That was the position taken. But when all endeavours to make the British government come to terms failed, and it was strongly urged that Prince Edward Island should come into confederation, it was finally settled that $800,000 should be given to Prince Edward Island, to enable her to buy out the balance of the land. I mention that to show our position in the past, and how it has led up to our present position of difficulty We have no territorial revenues.

The great province of Ontario has the most magnificent sources of revenue, agricultural lands and timber, and minerals. These resources will carry the province forward in affluence for all time to come. Nova Scotia is exceedingly wealthy in these respects with sea fisheries added but no more wealthy in fisheries than we are in proportion to the extent of our coasts. Nova Scotia has mineral wealth that is not equalled by any province in Canada, in my opinion. It is drawing about half a million dollars of revenue annually, speaking roughly, at the present time, in royalties of twelve cents a ton on coal, which is bound to increase and it will become an endless source of profit to the province. But beyond agriculture and fisheries, Prince Edward Island has no resources to fill its provincial coffers, no lands,

and it has an isolated position in addition to all that.

We would not complain if fair play had been given to the province. If, as was suggested by the hon. gentleman from Middlesex, in consideration of the per capita allowance being based on each decennial census, the allowance for government and legislation had been increased to a small province like Prince Edward Island that had no territorial revenues, and had not any chance of an increase of its population, there would not be the ground of complaint there is to-day. But justice has not been given to Prince Edward Island.

I may tell the hon. gentleman that at one time I was in my province in a very small minority in favour of confederation. I was one of those who fought the battle for years when it was as hopeless as any battle could appear to be; but I can tell hon. gentlemen that the man in Prince Edward Island who would stand up for this address would be in a smaller minority than I was in 1864-5 and 6, in regard to the subject of confederation. I believe when the matter is thoroughly understood there will be practically but one opinion in regard to it. I am sorry the acting premier is not here to listen to the statement I am making, but I hope he will do me the honour of reading my remarks and I hope hon. gentlemen will pause, and ask their colleagues to pause, and not proceed with this address until the position of Prince Edward Island is inquired into.

The premier of British Columbia is taking active steps on behalf of his province. I do not know anything about his case; I do not profess to understand it. It may be as strong as ours from his point of view. It is not like ours. They are as different as cases could be, but his case may be strong, owing to the exceptional position of British Columbia. I submit, however, that our case is a strong one, and should not be ignored, and if it is ignored, it is impossible for Prince Edward Island to live in confederation. My hon. friend said when addressing the House: How can Prince Edward Island run its Railway and make it pay? I believe there were years when the deficit on that road ran up to $90,000, but it ran as low as $30,000 in other years. I think the average deficit would be less than $50,000. I say it, but I hardly like to utter the word, that if Prince Edward Island was out of confederation, and had a duty of ten or twelve per cent on her imports, as she had before confederation, the carrying of the deficit of the railway would be a mere bagatelle, and she could provide for all her own wants as freely as any people in the world. The enormous burdens of which we are bearing our share in connection with the Canals and the Grand Trunk Pacific far more than compensate Canada for the paltry loss in the working of the Island Railway." I would not utter the mord secession, and I hope I will never be called on to utter it in this connection, because I love this Dominion, and I want that my province shall belong to it. I did my part to bring it in, and I will never do anything willingly to take it out; but I do submit that Prince Edward Island should receive justice, and that justice she is not receiving in this address.

Hon. Mr. SCOTT—Is the hon. gentleman not mistaken? He says the representatives of Prince Edward Island have been repudiated by the people there. It is curious that five years ago the representatives of Prince Edward Island, the Hon. Arthur Peters and John F. Weir, concurred in those resolutions and agreed to them. I have now before me the resolution of 1902. It is very odd that Mr. Peters should be re-elected time and again, and that the people should disapprove of such important action as concurring in the resolution that they repudiated.

Hon. Mr. FERGUSON—My hon. friend is right, but the matter was not taken seriously and it is a question that Mr. Peters will have to settle with the people of Prince Edward Island. The people never looked upon this matter as serious. They looked upon it as more of junketting trips for Mr. Peters and his colleagues to Ottawa than as likely to lead to practical results, but they look upon it in a different light now, and this is what Mr. Peters will have to answer for in Prince Edward Island, and I think hon. gentlemen

who are listening to my voice know the answer that will be given. On page 21 of the report of the conference of 1902, Mr. Ross, premier of Ontario proposed that :

In the case of provinces with a population less than one million an annual allowance of $200,000 should be made in addition to the subsidy in the preceding paragraph.

Here was the proposition that Prince Edward Island should receive $200,000 in the place of $100,000, as provided in this address. At the same meeting, recorded on the same page, the following resolution was carried :

It is then resolved that a committee composed of the Hon. Mr. Parent, chairman, and the Hon. Messrs. Archambault, Pugsley, Longley and Peters, be appointed to prepare a resolution concerning the readjustment of the federal subsidy to the provinces, and the cost of administration of justice in criminal matters.

And then the committee submitted a resolution, which shows the work was all cut and dried before hand. Mr. Peters evidently did not know what was doing. The committee then reported a resolution in which is contained this scale of provision, wherein Mr. Peters actually recommended, as a member of that resolution committee, that the per capita allowance to Prince Edward Island should be cut down from $87,862.40 to $82,607.20. Here is an extract from the resolution which Mr. Peters assisted to prepare :

| Provinces. | Pop. Census 1861. | Actual Subsidy. | Pop. Census 1901. | Subsidy. | Increase. |
|---|---|---|---|---|---|
| Ontario | 1,396,091 | 1,116,872 80 | 2,182,947 | 1,746,357 60 | 629,484 80 |
| Quebec | 1,111,566 | 889,252 80 | 1,648,898 | 1,319,118 40 | 429,865 60 |
| Nova Scotia | | 320,000 00 | 459,574 | 367,659 20 | 47,659 20 |
| New Brunswick | | 257,010 40 | 331,120 | 264,896 60 | 7,885 60 |
| Manitoba | | 122,004 80 | 254,947 | 203,957 60 | 81,952 80 |
| British Columbia | | 78,538 40 | 175,657 | 140,525 60 | 61,987 20 |
| Prince Edward Island | | 87,262 40 | 103,259 | 82,607 20 | |
| Total | | | | | 1,258,835 20 |

Mr. Peters apparently was so overreached by gentlemen in that conference that he actually agreed to that scale. From that time forward, the intention of the framers of the resolution was that in the case of Prince Edward Island the decennial census should govern. The resolutions, as introduced in the House of Commons, but which proved abortive, contained that provision. I may explain, that on the 22nd of March last, three or four days before the subject came up for the first time in the House of Commons, Mr. Lefurgey, one of the members from the island, gave notice of a resolution which would conserve to Prince Edward Island her maximum per capita allowance. Let me explain to hon. gentlemen who may not have followed the matter as closely as I have, that in 1891 we were shown to have a population slightly larger than in 1881. By the last census we fell back, I think, about seven thousand in our population and it was held for a time, by the federal government that our per capita subsidy would diminish in consequence of the loss of population. It was only a small matter ; but fortunately for us the terms of union protected us. Because it was provided that it should be increased from time to time, but there was no provision for any decrease, so that if the population of the island should fall below any future maximum census, or the census of 1891, we would not be subjet to a diminution of our per capita allowance. But the address, as it was introduced in the House of Commons, would have deprived us of that advantage. But when Mr. Lefurgey, put a notice on the order paper to bring a resolution before the House that would protect Prince Edward Island in that matter, the government brought down an amendment which prevented the original terms of union with Prince Edward Island from being interfered with in that respect. I do not wish to say more than is necessary with regard to the premier of the province, but I shall have something

to say to him in the presence of the people of Prince Edward Island and in his own presence. I have only been led into making these remarks in consequence of the point raised by the hon. Secretary of State.

Hon. Mr. SCOTT—The figures as read to the Houes by my hon. friend do not agree with the figures I gave. The figures I gave were prepared for me by the clerk of the conference.

Hon. Mr. FERGUSON—The hon. gentleman's figures are all right and mine are all right. My hon. friend has put the per capita tax and the subsidy together and I have read them separately.

Hon. Mr. POWER—They get the money anyway.

Hon. Mr. SCOTT—I understood the hon. gentleman to say that the island was getting no increase.

Hon. Mr. FERGUSON—Unfortunately, the hon. gentleman was not listening to my remarks. The difference between us is that his figures placed the per capita and the allowance for legislation together. I gave them separately, and I showed how Prince Edward Island stands on the per capita allowance, and how it stands on the allowance for government and legislation, and I made the statement that if there was compensation given for the change in favour of the large provinces in the per capita grant, we would not have so much to complain of, but as there was no compensation for the immense change brought about in the per capita allowance it was on that ground that I made the complaint.

Hon. Mr. GIBSON—Did the hon. gentleman not make the statement more than once that, under the new arrangement, Prince Edward Island did not get one cent of an advance ?

Hon. Mr. FERGUSON—I said that in the per capita allowance, Prince Edward Island did not get one cent of advance. When I tell my hon. friend the leader of the House that I dealt with both branches of the subsidy fully and completely, and read every figure to the House, I think it should be sufficient.

Hon. Mr. POWER—I think I understood the hon. gentleman to say that taking both items together Prince Edward Island stood about $70,000 better than she has been standing.

Hon. Mr. FERGUSON—I think that is just about the way it would work out, but if they had only been dealing with the one branch, that is with the matter of the allowance for government and legislation, and the per capita grant had been allowed to remain unchanged, or if Prince Edward Island had been compensated, it would be all right; but the solemn treaty made at confederation with regard to the per capita allowance is now proposed to be swept away, and you propose to establish a new basis under which Prince Edward Island cannot live.

Hon. Mr. SCOTT—I understood my hon. friend to say that they were paying the interest on the railway—that Prince Edward Island was being charged with the interest on the railway debt.

Hon. Mr. FERGSON—Yes, every dollar of the cost of the main line.

Hon. Mr. SCOTT—We have been advancing for the last three years on an average half a million dollars, charged to capital account. You do not mean to say that Prince Edward Island is paying interest on that ?

Hon. Mr. FERGUSON—I do not understand what the hon. gentleman is referring to.

Hon. Mr. SCOTT—I have just gone back three years, and find we have advanced about half a million dollars a year. 'Expenses chargeable to capital account Prince Edward Island Railway $496,124, another year $698,000, another year $591,000. You do not mean to say that we are charging you the interest on that ?'

Hon. Mr. FERGUSON—If my hon. friend had listened to me instead of attending to the disorderly conversations of the gentlemen around him, he would not be making these inquiries. I dealt with the railway under two headings. I said that in regard to the main line of railway, extending from one end of the island to the other, which was under construction at the time of confed-

eration, we were charged with every single dollar of its cost. I explained further that the government of Canada had built some railways in the province within the last seven or eight years, which are charged to the government of Canada, and my hon. friend is now referring to these.

Hon. Mr. McMULLEN—I am sure we have all listened with a great deal of interest to the statement the hon. gentleman from Marshfield has made from what he considers to be the point of view of the people of Prince Edward Island. I would fancy, from the course he has adopted on this occasion, that he intended to adopt the same course in 1887. He was then a member of this Chamber and he resigned his seat for the purpose of running as a representative of Prince Edward Island in the Dominion House. He could not get a constituency. The constituency he appealed to could not elect him, and he was forced to come back and seek a new commission and a renewal of his seat in the Senate. Now, is my hon. friend going to attempt a game of that kind again ? From his speech to-night you would fancy he intends to assail the premier of his province. The address he has made is evidently for political purposes. The premier of Prince Edward Island was here along with the other premiers. After due and careful consideration, he decided to accept the terms that were offered, and he is responsible directly to the people of Prince Edward Island for what he has consented to. Would my hon. friend find fault with the government for negotiating a settlement of this important question with the recognized and honoured representative of the people of Prince Edward Island ? Or would he expect that they should take their directions in this matter from a man who appealed on several occasions to Prince Edward Island to get a seat and did not get one ? And who appealed while he was a member of this House and resigned for the purpose of seeing if he could get a seat in the other Chamber, and they rejected him ? He had to come back here. Is he going to renew that experience ? I would certainly advise him, from the strong statement he has made, not to make another attempt. I would advise him, when the election comes off, to back up his statement by tendering his resignation manfully of his seat in this Senate and go back to Prince Edward Island and ask the people there to elect him to the other Chamber. I think that would be manly on his part. I am afraid he will not accept my advice. The same men are not in power now who were in power when he resigned before. He would be afraid that he would not get a renewal of the commission, if he failed to get elected, and I am confident that he will not run the risk of losing his present seat. The statement the hon. gentleman has made in many ways can be easily challenged. He talks about having direct taxation in Prince Edward Island. They have no municipal organization, I understand, in Prince Edward Island. The local government does all work on roads and bridges and every improvement of that kind. In the province of Ontario, our municipal organizations attend to all that expenditure, and every farmer, every householder, has to pay a direct tax to cover all that expenditure. There is not a dollar of it paid out of the provincial treasury. It is all paid out of the municipal treasury, the funds of which are gathered from the people themselves by direct taxation. If Prince Edward Island adopted a system of that kind, they would not have so much perhaps to complain of. They would not be compelled to say that they were subjected to direct provincial taxation. Now, if I dared to offer the government advice, my advice would be that they should, in the face of the speech that my hon. friend has made, abandon this proposition altogether, throw the responsibility upon my esteemed friend for having made such a slashing attack on the government for the settlement of this important question, and abandon it. Then what will Prince Edward Island say ? There will be sixty or seventy thousand dollars of a deficit in the annual revenue that they need not have, had this measure gone through. Nova Scotia will lose a large sum, and so will the other provinces, that they might have got. Will the party that my hon. friend supports appreciate a course of that kind ? Will they think it was good politics on his part to challenge the course that the government is taking, and contribute so forcibly to the defeat of a measure which would increase the revenues of the

provinces under this rearrangement? I think he would have a pretty hard time of it if he went to some of those provinces and had to assume the responsibility personally of the defeat of this measure. I would question very much if he got a warm reception in his own riding.

Hon. Mr. GIBSON—The reception might be too warm.

Hon. Mr. McMULLEN—It might be considerably more than warm. I have not the slightest doubt they will feel that he had deprived them of money which, had he said nothing, the island would have got. I have no doubt the hon. gentleman's object in the course he is taking is to cross swords with the government of Prince Edward Island, but I question very much if he will succeed in his object. I have no doubt that the people of that province feel that they have trusted and faithful servants in the persons of their premier and his colleagues, who took part in the negotiations for the settlement of this question, and that they did their duty, everything considered, and will sustain them in what they have done. The hon. gentleman said in his speech that Prince Edward Island had been charged with every dollar that had been expended on railways. If he turns that statement the other way and says that the Dominion is charged with every dollar expended on railways in the island it would have been nearer the truth. I question very much if the Prince Edward Island Railway could have been sold for 50 cents on the dollar of what it cost. When they entered confederation, they had spent some $7,000,000 on railways, and they turned those railways over to the Dominion government at every dollar they had cost the province. The Dominion government accepted them at that valuation. There is no other organization, corporation or association on the face of the globe which would have accepted the railways of the island at their cost price; but the Dominion government acepted them at their cost and have held and maintained them ever since. I challenge my hon. friend to name one year since confederation that the Prince Edward Island Railway has paid running expenses. Last year it ran behind some thirty-nine or forty thousand dollars. My hon. friend himself admits that it has run behind on an average about fifty thousand dollars a year. The hon. Secretary of State has shown that in addition to all that, to keep it in efficient order and give the people of Prince Edward Island railway accommodation, they have been forced to spend about half a million a year in addition to the annual loss on running the railway. My hon. friend has not one word of commendation for the government for all they have done, and for the manner in which they have maintained the accommodation for the people of the island; but he contends, on the contrary, that Prince Edward Island has been badly used. If no other province in the Dominion has greater cause of complaint than Prince Edward Island in this matter, they should all be thankful to the Dominion government for the generous manner in which they have dealt with this whole question. When my hon. friend seriously considers his criticisms, and comes to realize the mistake he has made, he will regret once more that he has attempted the task of criticising the government as he has done. It is not in the interest of his own province or of the Dominion. I can only view it from the standpoint of a political fight that he purposes getting up in Prince Edward Island. If he does so, and should take the course he took before, I am afraid we shall lose his pleasant countenance from this Chamber. We like him very much and he discharges his duty well and faithfully. We admit he is quite an acquisition to this Chamber, but I am afraid if he should decide to cross swords with the premier of his province we will not have him here again. I question if he will run that risk. My hon. friend occupied the position of minister, I think Minister of Lands, in his province some years ago. He had, of course, an extended career as well as other men who have occupied positions of that kind. Losses, I presume were made then as they are made now. I did hear—I do not know how correct it is—that in the department over which my hon. friend presided there was a mysterious loss—I say mysterious because it never was found out——

Hon. Mr. FERGUSON—I rise to a point of order. The hon. member is uttering a slanderous statement.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. McMULLEN—I learned nothing to charge my hon. friend with.

Hon. Mr. FERGUSON—The hon. member says that in the department that I presided over in Prince Edward Island there was a mysterious loss of money which has never been explained to the present time. I move that his words be taken down.

The SPEAKER—I was following the hon. gentleman closely and he did not finish his statement.

Hon. Mr. FERGUSON—His statement contained the base insinuation that I had been guilty of something wrong.

Hon. Mr. McMULLEN—I made no charge.

Hon. Mr. FERGUSON—The hon. member is not man enough to make it on his own responsibility.

Hon. Mr. McMULLEN—I say that unexplained losses have occurred there as they occur at other places. To hear the hon. gentleman speak one would think that he was so very pure and upright that everything he had ever done would bear all criticism, and that he had a most honoured, dignified and distinguished record. I am not saying that he had not.

The SPEAKER—I would draw the attention of the hon. gentleman to the fact that this is aside from the question which is before the House.

Hon. Sir MACKENZIE BOWELL—I wish to call attention to this fact; the hon. gentleman from Marshfield asked that the words of the hon. member from Wellington be taken down. Is that demand to be disregarded? The language used by the hon. member from Wellington could be understood in only one possible way. The statemen, as I understood it, was that there was a period in the history of Prince Edward Island when the hon. senator from Marshfield was in office and presided over some department—he did not know, but thought it was the Department of Lands, and some mysterious loss took place at that time, and that that loss had never been accounted for. What inference could be drawn from that, except that the hon. gentleman from Marshfield had been guilty of some malfeasance in office? I do not know whether the hon. gentleman meant that or not, but that is the only conclusion to be drawn from his language, and the least he could do is to disavow such intention, unless he is prepared to prove his statement.

Hon. Mr. MACDONALD (B.C.)—Withdraw.

Hon. Mr. McMULLEN—I want it distinctly understood that I make no reflection——

Hon. Mr. FERGUSON—I insist on the point of order. The hon member made a distinct reflection on me, and I insist on the point of order.

The SPEAKER—It is clear to me that part of the phrase used by the hon. gentleman from Wellington contained an insinuation which, undoubtedly, remains an insinuation in its present form; but the expression was unfinished, and I should like the hon. gentleman to give full expression to his thought. He was stopped by the hon. gentleman from Marshfield and by myself, I confess, because, as a matter of fact, the discussion was drifting far away from the question before the House.

Hon. Mr. FERGUSON—I rise to a point of order.

Some hon. GENTLEMEN—Spoke, spoke.

Hon. Mr. FERGUSON—I want to say a word with regard to the point of order.

Hon. Mr. YOUNG—The Speaker has made a ruling.

Hon. Mr. FERGUSON—I am speaking on the point of order; my hon. friend can speak on the point of order after I am through.

The SPEAKER—The decision I have rendered is that there is undoubtedly an insinuation which needs to be cleared, and I ask the hon. gentleman from Wellington to clear the insinuation.

Hon. Mr. FERGUSON—The hon. gentleman said there was a mysterious loss of money in the department over which I presided and which had not been accounted for to this day. That is not an insinuation; it is a charge.

Hon. Mr. LANDRY—The proper course to follow is to ask the reporter what was really said ?

Hon. Mr. YOUNG — Nobody questions what was said, but one draws one inference from the statement, and others draw another inference.

Hon. Mr. McMULLEN—If I have cast any insinuation on the hon. gentleman, I now withdraw it. Will that satisfy the hon. gentleman ? I had no idea of casting a reflection on him. I had a right to make reference to public rumours, but if that reference reflected on him, I withdraw it.

Hon. Mr. MACDONALD (B.C.)—In dealing with public questions the hon. gentleman from Wellington has more than once made personal allusions, and he should be careful not to do it again.

The SPEAKER—Is the House ready for the question ?

Hon. Mr. FERGUSON—Before proceeding——

Hon. Mr. GIBSON—The hon. gentleman has already spoken, and I object.

Hon. Mr. YOUNG—The hon. gentleman has spoken ; he has no right to speak again.

Hon. Mr. BAKER—I move that the Senate do now adjourn.

The SPEAKER—It is moved by Mr. Baker, seconded by Sir Mackenzie Bowell, that the Senate do now adjourn.

Hon. Mr. FERGUSON—I am not called upon in this House or anywhere else to reply to the personal part of the hon. gentleman's speech, but there is scarcely one word he said from the commencement of his speech to the end of it that was accurate.

Hon. Mr. YOUNG—Order, order.

Hon. Mr. FERGUSON—I have had some experience in parliamentary life——

Hon. Mr. WATSON—I rise to a point of order. No gentleman has a right to say that an hon. member speaking here for about an hour was so inaccurate that there was not a statement he made that was true.



Hon. Mr. FERGUSON—I did not say that. I have been thirty years in parliament, and I have never made a statement that I had to withdraw. I am perfectly right and perfectly in order in saying that the remarks I heard from the hon. member from Wellington were inaccurate. A stronger word might be used, but I have not used it.

The SPEAKER—I decide that the word inaccurate is a parliamentary expression.

Hon. Mr. FERGUSON——As proof of the hon. gentleman's inaccuracy, I will refer to one statement he made, and which he repeated, I think, half a dozen times, that I had resigned from this House and ran for the House of Commons, and having been defeated, came back to this House again. That statement is inaccurate ; a much stronger word could be used, but I content myself with saying it is inaccurate. I mention that in order to show the House how the hon. gentleman can talk and how he talked to-night. Let me add that I shall take very great care that his speech and the speech of the hon. Secretary of State on this subject shall be circulated throughout the province of Prince Edward Island, in order that the people of that province may know what they have said and how the province and its representatives have been treated here. I shall take care that they know that these gentlemen have said that the Dominion is paying interest upon every dollar of the first cost of the Prince Edward Island Railway. I shall take great pleasure in circulating the speech of the hon. member from Wellington and also the speech of the hon. Secretary of State ; against the latter, however, I may add, I have not a word to say. He has not been discourteous—it is not in his nature to be discourteous.

Hon. Mr. BAKER—With the leave of the House, I ask permission to withdraw the motion to adjourn.

The motion to adjourn was withdrawn.

Hon. Sir MACKENZIE BOWELL—I do not intend to discuss the merits or demerits of the proposition now before the Senate. I merely rise to say that I am opposed to all these raids on the Dominion treasury. The hon. gentleman from Wellington, in

speaking of the resignation of the hon. senator from Marshfield, made the mistake of confounding him with the late Mr. Howlan, who was afterwards Governor of Prince Edward Island.

Hon. Mr. McMULLEN—I acknowledge the error.

Hon. Sir MACKENZIE BOWELL—I have a pretty good memory of events, but for the life of me I could not remember any such incident in the career of the hon. gentleman from Marshfield, and, on reflection, came to the conclusion that the hon. member from Wellington had made a mistake. When the first better terms measure was introduced in the House of Commons, a great many years ago, I voted against it, as I voted against all raids upon the Dominion treasury on the part of the provinces. These raids arise from the extravagance of the different provinces. If there was a vote taken to-night, I should do as I did before—vote against this increase. There is one important fact, however, connected with the financial position of each province to-day. There is but one province in the Dominion in which the government has not been able to declare with pride that there is a surplus over all expenditure for the past year. In the past, when attempts were made to secure better terms from the Dominion, it was for political purposes, and that has been the motive for the last ten or fifteen years. It has taken the present premier of this country all that time to fulfil the promise he made in a telegram to Mr. Mercier twelve or fourteen years ago. He is fulfilling it now, when every province, even Quebec itself, in its budget speech announces a surplus, which indicates that there is no necessity for making another raid on the Dominion. There is a paragraph in the address before us declaring that this will be the last call. There was a similar paragraph in the original resolution, but it never meant anything. Just as soon as another raid can be made with any prospect of success through political influence to secure another increase of subsidy, we will have it all over again. I may not live to see it, but many of the younger men here will. The whole thing is wrong in principle, and if it were possible to prevent such an address being passed I should vote against any demand of the kind either now or in the future.

Hon. Mr. LANDRY—Are we allowed to make any amendment to this address ?

Hon. Mr. SCOTT—I am afraid I cannot accept any unless the House insists upon it.

Hon. Mr. LANDRY—Do the government consider this address as something similar to a money Bill, which we have no right to amend ?

Hon. Mr. SCOTT—It could not be accepted, whether the House has the power to amend it or not. The House, of course, might insist upon it.

Hon. Mr. LANDRY—The government, without knowing what amendment I wish to offer, have decided not to accept it. Is that what we are to understand, or does the hon. gentleman mean that it would not be in order to move an amendment ?

Hon. Mr. SCOTT—We are presenting the result of a conference. We are not adding to or detracting from the decision of the conference. We are simply doing what the conference asked us to do.

Hon. Mr. LANDRY—So, as a matter of policy, we have to accept what the conference has asked us to do. I want to know, because I have an amendment that I should like to move.

Hon. Mr. SCOTT—The amendment cannot be accepted.

Hon. Mr. LANDRY—Is it out of order ?

Hon. Mr. SCOTT—It is for the Speaker to say if it is out of order.

Hon. Mr. MACDONALD (B.C.)—Any member can move an amendment, but the House will not accept it.

Hon. Mr. LANDRY—The leader of the House has decided not to accept it, though he does not know what it is, and I should like to know on what ground he refuses. At all events, I shall move the amendment and see what will come of it. The address winds up with a prayer which reads as follows :

We pray that Your Majesty may be graciously pleased to cause a measure to be laid before the imperial parliament at its present session, repealing the provisions of section 118 of the British North America Act, 1867, aforesaid.

I move that the following words be inserted after 'aforesaid':

And any similar provisions contained in any terms or conditions upon which any of the provinces were admitted to the union.

The SPEAKER—I should like the hon. gentleman to explain the basis of his resolution, whether it is to correct a clerical error or whether it would have the effect of increasing or diminishing the public revenue.

Hon. Mr. FERGUSON—This amendment is rendered necessary by an amendment made to the address in the House of Commons and I think if hon. gentlemen will look carefully into it they will find it is absolutely necessary if the matter is to be operative. The first paragraph of the address reads in this way:

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in parliament assembled, humbly approach Your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorized under section 118 of the Acts of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, or by or under any terms or conditions upon which any other provinces were admitted to the union.

Those meetings were held in the House of Commons. It was contended in the Commons that the address, as it stood, might have this effect: That it would repeal section 15 of the British North America Act, and it would take away the allowances for legislation and government granted to the four original provinces; but that there was no provision calling for the taking away of the allowances for government and legislation made to the five other provinces, $30,000 for Prince Edward Island, $35,000 for British Columbia and $30,000 to each of the three other provinces. And while the address, as drafted, would certainly take away the allowances now given to those provinces and substitute those mentioned in the Act. That ti would not have the same effect with regard to the other five provinces, but they would have a right to retain both the old allowances and the new, and this amendment was accepted. But while that amendment was accepted in the first paragraph, the prayer of the address was not amended to correspond with it, and the amendment proposed by the hon. gentleman from Stadacona is simply to make the prayer of the address correspond with the first clause, in other words it makes the prayer correspond with the address itself.

Hon. Mr. BEIQUE—It would go, I am afraid, to the foundation of paragraph D. Paragraph D is intended to protect the special provisions which were granted to Prince Edward Island and Manitoba, to Saskatchewan, Alberta and British Columbia, and not to supercede those special provisions or conditions that were granted to them, and the amendment would have the effect of wiping out those conditions so that it would go much further than the first clause mentioned.

Hon. Mr. LANDRY—If the hon. gentleman will look at line six of the petition, commencing 'We your Majesty's most dutiful and loyal subjects,' he will find that the words 'terms or conditions upon which any other provinces were admitted to the union' have been inserted by the House of Commons, and the prayer which winds up the petition is just a repetition of those words. The prayer is the conclusion of the petition and it is because those words have been added that they have been repeated in the prayer.

Hon. Mr. BEIQUE—The words were added to the first paragraph because the first paragraph referred only to section 118 of the British North America Act, which excluded, or did not comprise all the provinces that were subsequently admitted to confederation. I understand that they will appreciate that there was a reason to add the words that were added in the House of Commons: 'By and under any terms or conditions upon which any other provinces were admitted to the union.' But this was merely the preamble, and after this comes the section of the address, and if the amendment such as suggested by the hon. gentleman was added in the prayer, then it would override the whole thing, and it would be asking the imperial parliament to repeal this, and all the conditions that were granted to these provinces, so that it would go much beyond the addition which was made in the first paragraph. In the House of Commons there was a motion made by one of the members to that effect, but it was not deemed necessary by the Minister of Justice. It was an

amendment which did not go as far as the one that is now before this honourable House.

The amendment was lost.

The main motion was carried.

Hon. Mr. FERGUSON—I have an amendment to propose.

Hon. Mr. POWER—The address is carried.

Hon. Mr. SCOTT—The motion was to fill up the blank with the word 'Senate' and was carried.

The SPEAKER—The motion was that the Senate do agree to the address by adding the words 'Senate and.' That is the motion that I originally put, and it was carried.

Hon. Mr. FERGUSON—I understood it was the amendment.

The SPEAKER—The amendment was declared lost.

Hon. Mr. FERGUSON—But this was put as an amendment to the address.

The SPEAKER—No; it was the original motion of the Secretary of State.

Hon. Mr. LANDRY—Does the hon. Speaker hold that when this address is completed by the insertion of 'Senate and' that nobody can move an amendment.

Hon. Mr. SCOTT—The address is carried.

Hon. Sir MACKENZIE BOWELL—I understood the motion to fill up the blank which would make the Senate a party. Then after that the question would be as to the adoption of the address.

The SPEAKER—The motion I put to the House was as follows:

Moved by the Hon. Mr. Scott, seconded by the Hon. Mr. Power, that the Senate do agree with the House of Commons by filling up the blank with the words 'the Senate and' in said address.

That motion was carried.

Hon. Mr. FERGUSON—It is an amendment to the address.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LANDRY—We have agreed with this address and adopted those words. I suppose now we will adopt it.

The SPEAKER—I take it for granted the Senate has adopted the address.

Hon. Mr. SCOTT—I move that his Honour the Speaker do sign the address on behalf of this House.

Hon. Mr. FERGUSON—I move as an amendment to the amendment——

Hon. Mr. POWER—That is not an amendment.

Hon. Mr. FERGUSON—To the motion now being put, I move that the following words be inserted after the word 'population,' in the third line, section A:

As ascertained by the last decennial census, or in the case of Manitoba, Saskatchewan and Alberta, respectively, by the last decennial census, quinquennial census or statutory estimate, as the case may be.

Hon. Mr. POWER—That is not an amendment to be put to the motion before the House, and it is contradicting our former action.

Hon. Mr. FERGUSON—I suppose the motion would be that the motion to adopt the address be not agreed to, and that the House amend the address as follows.

The SPEAKER—My opinion is that the hon. gentleman is out of order. He could only amend the address by asking the Senate to go back upon its last decision; it would be a reconsideration.

Hon. Mr. LANDRY—Is there no amendment possible to the motion of the hon. Secretary of State?

Hon. Mr. YOUNG—Unless you move to sign some other name to that address.

Hon. Mr. LANDRY—You could move that it be not signed immediately, but that something else be added to it.

Hon. Mr. YOUNG—It has passed, and is an order of the House.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman not propose an amendment to the motion which has been put, that the Speaker do not now sign the address, but that something else be done?

Hon. Mr. SCOTT—That would be in order.

The SPEAKER—There is no question before the House.

Hon. Mr. SCOTT—I move that a humble address be presented to His Excellency the Governor General in the following words:

To His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, and a Baronet; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada.

May it Please Your Excllency:

We, His Majesty's dutiful and loyal subjects, the Senate of Canada, in parliament assembled, beg leave to approach Your Excellency with our respectful request that Your Excellency will be pleased to transmit our joint address to His Most Excellent Majesty the King, humbly representing that it is expedient to amend the scale of payments authorized under section 118 of the Act of the parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, to be made by Canada to the several provinces of the Dominion for the support of their governments and legislatures; and praying that His Majesty may be gaciously pleased to cause a measure to be laid before the imperial parliament at its present session, repealing the provisions of section 118 of the British North America Act, 1867, aforesaid, and substituting therefor the scale of payments set forth in our said joint address, under the terms therein provided—in such manner as to Your Excellency may seem fit, in order that the same may be laid at the foot of the Throne.

The question of concurrence being put thereon, the same was resolved in the affirmative.

The motion was agreed to.

Hon. Mr. SCOTT—I move, seconded by the hon. Mr. Power, that the said address be engrossed and that His Honour the Speaker do sign the same on behalf of the Senate.

Hon. Mr. LANDRY—Is that second address not to be sent to the Commons also?

The SPEAKER—Yes.

The motion was agreed to.

## CANADIAN NORTHERN RAILWAY BILL.

### AMENDMENTS CONCURRED IN.

A message was received from the House of Commons with Bill (LL) An Act respecting the Canadian Northern Railway Company, with some amendments.

Hon. Mr. YOUNG moved concurrence in the amendments. He said: The first clause was a bonding clause empowering the company to issue additional bonds on their line.



The House of Commons amendment provides that the funds raised from these bonds should be applied to the equipment and betterment of the line. The next clause relates to the Winnipeg terminal, in which the Canadian Northern Railway and the Grand Trunk Pacific are making joint terminals. And this amendment is making it clear that all parties are united. The present Canadian Northern Railway terminals extend from Water Street south to the Assiniboine river. Then the next amendment is to strike out all the other clauses of the Bill which contain provisions for extensions of lines, new lines, and also for the renewal of other charters, which had been granted previously. The Bill is very much less than it was when it left the Commons.

Hon. Mr. FERGUSON—It seems rather singular that all the branches asked for, or nearly all, by the Canadian Northern Railway have been refused and struck out in the other House. If my memory serves me, I think we granted a great many charters to other companies in the Northwest during this session of parliament; that the Grand Trunk obtained a great many charters there and, if I mistake not, also the Canadian Pacific Railway, and I understood that elsewhere complaint had been made against the Canadian Northern Railway that the lines they had constructed are very badly equipped and the principle was adopted of refusing to give them any more branches until they would better equip those they already have. That might be a fair enough policy if it were applied all round, but how do we know if the Grand Trunk Railway were operating in the Northwest in the present congested state of traffic that the same thing would not have happened? They have the advantage of not having roads out there; they cannot sin. Even the Canadian Pacific effectiveness in building branches and equipping existing lines was hard pressed in furnishing equipment. It seems to me the Canadian Northern Railway is dealt with harshly. But there may be something in the Bill as passed that will be of use to them.

Hon. Mr. WATSON—In answer to the hon. gentleman, I may say that those branch lines were struck out in the House of Commons for the reason given in section two, where they asked for increased bonding

powers. They added a clause in the Commons that the proceeds of those increased bonds should be applied to the betterment of the roads, and the reason why they were struck out, I think the hon. gentleman will see by reports coming from the west, that the Railway Commission have been asked to investigate and the boards of trade are complaining very bitterly about the service on the Canadian Northern Railway.

Hon. Mr. FERGUSON—There is no question about that.

Hon. Mr. WATSON—The hon. gentleman says they are harshly treated. The unfortunate condition with regard to the Canadian Northern Railway is that they have a practically new route, and they have not been able to keep up the rolling stock in proportion to the number of miles they have built, and the members of the Commons representing Manitoba, Alberta and Saskatchewan joined unanimously in saying that the company should improve their roads rather than extend them further. Clause 6, which is struck out, includes the extension of time on some eleven lines. I think on eleven lines they have really three years yet. This Act was amended two years ago. They had two years to start and five years to complete. Practically all those lines in section 7 are commenced. They are all right, as far as the charter is concerned, for the next three years, but there are some fourteen different branch lines they ask for, which have all been struck out. They say they should not construct any more branch lines until they have fully equipped their rolling stock, and that they have ample power in the eleven different charters which are still existing.

Hon. Mr. KERR—I quite agree with the hon. gentleman from Marshfield that the railway company has been rather harshly treated, both in the criticism which has been made respecting the road and also as to the manner in which the road has been dealt with, but we cannot very well amend that here. It is within the memory of hon. gentlemen here that only a few years ago, in the province of Ontario, both the Grand Trunk Railway and Canadian Pacific Railway were frequently blocked completely on parts of their lines for weeks. It is within my own memory when one branch of the Canadian Pacific Railway between Toronto and Owen Sound was closed for over six weeks in consequence of a snow blockade, and only two years ago it was blocked for, I think, some nineteen days, so that the trouble, in the present instance, is that the people are not willing to be patient, and I dare say they have a hard time, which makes them ready to complain.

Hon. Mr. YOUNG—I wish to do justice, without discussing the equipment or anything else, to the management of the Canadian Northern in Manitoba and the Northwest. Their general manager is as able a railway man as there is in Canada.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. YOUNG—And he has certain officials and men under him who do their best to make the road serviceable. I scarcely think they deserve the criticisms which have been levelled at them, and I wish to do justice to them by making that statement.

The motion was agreed to.

## QUEBEC HARBOUR COMMISSIONERS BILL.

### NOTICE OF AMENDMENT.

Hon. Mr. SCOTT—A telegram has been received from the Harbour Commission of Quebec in which they intimate that the new issue of $800,000 should be subordinate to the previous issue of $200,000 and $150,000, so that to-morrow I will ask to have the alteration made. The only other Bill I know of is the Railway Subsidies Bill. There are no new subsidies, and it is simply continuing the subsidies to the railways already voted, and for which the time is expiring.

Hon. Mr. LANDRY—Except one new subsidy.

Hon. Mr. SCOTT—I was not aware there was one.

The SPEAKER—This is a public Bill and no notice is required.

## COMMUTATION OF SENTENCE OF CAZES.

Hon. Mr. LANDRY—Has the hon. Secretary of State any news in regard to the

liberation of the prisoner Cazes, convicted of the murder of his wife at Quebec ?

Hon. Mr. SCOTT—No, Mr. Aylesworth could not place him.

Hon. Mr. LANDRY—He was convicted of murder at Quebec, and the sentence was commuted, and he was sent to St. Vincent de Paul. It has been said he was let out on parole.

Hon. Mr. SCOTT moved that the Senate adjourn.

Hon. Mr. FERGUSON—I wish to say one word on the motion to adjourn. It is not my custom to make reprisals for personal attacks; I have never done it in parliament in my life, and I will not do it now, and I have no explanation to offer to the hon. member for Wellington. But an hon. friend has suggested to me after the episode of this evening, that I should make one word of personal explanation to the House. A reference was made to a defalcation in Prince Edward Island in the Department of Public Lands during the time I was commissioner. It was just on the eve of an election when a defalcation of some $3,000 was discovered, and my political opponents tried to make all the use they could of it without however insinuating that I was guilty of personal wrong doing. However, immediately afterward, I ran an election and was elected and a commission was appointed to inquire into the matter, and they traced every dollar of that money to an official of the department, a considerable part of which was paid back by the friends of the defaulter, and the commission found unanimously that I was entirely blameless, not only blameless of doing anything wrong myself, but blameless in regard to any negligence of mine having contributed to the defalcations. After what has occurred to-night, as we may never meet again—while I have no explanation to make to the hon. gentleman who brought this matter before the House—it is due to my coleagues on both sides with whom I have so pleasantly laboured in the past, that I should make this statement.

Hon. Sir MACKENZIE BOWELL—Did the hon. Secretary of State say that there were no new subsidies to be taken up to-morrow ?

Hon. Mr. LANDRY.

Hon. Mr. SCOTT—No new subsidies, only a renewing of the subsidies that were expiring.

Hon. Mr. LANDRY—We will take them up to-morrow morning.

The Senate adjourned until 11 a.m. to-morrow.

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## SENATE.

OTTAWA, Saturday, April 27, 1907.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

### A QUESTION OF PRIVILEGE.

Hon. Mr. McMULLEN—Mr. Speaker and hon. gentlemen, before proceeding with the business of the morning, might I be permitted to say a word regarding the occurrence of last night. I am bound to accept in the most friendly and frank spirit the remarks of my esteemed friend from Marshfield regarding the incident to which I referred that was supposed to have occurred in the finances of the province from which he comes. I was induced to refer to that matter, and thought that my authority was fairly good. I regret that I should have done so without satisfying myself fully upon the question, and I accept frankly the statement he made and the spirit in which it was made. We are about to part. I desire to part with every man in the Chamber on the most friendly spirit, and I admired the manner in which my hon. friend gave expression to that view last night. I reiterate the statement that he made, and for my part I hope that we shall meet again, but I desire to part in the friendly spirit in which we should part now, when the session is about closed. With regard to the other matter to which I referred, of the resignation of an hon. senator from P.E.I., and his having been defeated and then returned to this House, I also acknowledge that it was not my hon. friend from Marshfield but I believe it was the Hon. Mr. Howlan, who did that. I think it is due to myself and to the House, and to my hon. friend from Marshfield that I should frankly make this statement,

owing to the manner in which he made his explanation last night.

Hon. Mr. FERGUSON—I am willing to accept the explanation of the hon. gentleman, but in that connection I wish to refer to the manner in which the report of the incident appears in the summary furnished to the press. I find that the personal detraction involved in the statement of the hon. gentleman from Wellington is set forth almost verbatim in the morning 'Citizen,' while the statement that I made on the motion to adjourn does not appear. That is not the fault of the newspapers. It is possible that the reporter was not in the House at the time I spoke. It was near the end of the sitting. I have great faith in the fairness and impartiality of our press reporter; though I have no explanation from him, I would fain hope that the cause of the omission is what I have indicated. Hon. gentlemen will agree with me that if in debate a personal reference is made which involves a personal detraction it should not go to the press without the reply or explanation of the person attacked. If it was thought right to give the personal detraction prominence in the report, my explanation made on the motion to adjourn should also have appeared. As it has not appeared, I desire now to repeat what I said last night in order that it may reach the public. The allusion which the hon. gentleman from Wellington made was to something which occurred in Prince Edward Island eighteen years ago.

The SPEAKER—As the hon. gentleman has had his remarks on this incident fully reported, is it necessary that he should repeat them?

Hon. Mr. FERGUSON—The hon senator from Wellington simply states that he accepts my explanation, but the detraction has gone abroad to the country without any explanation.

Hon. Mr. BEIQUE—I have it from the reporter that he did take down the remarks of the hon. senator from Marshfield and furnish them to the papers. So far as ignoring entirely incidents of that kind, it would be better to come to an understanding and give the reporter instructions to that effect, because the reporter stands between two fires, so to speak. If he exercises his judgment, there are complaints made that he did not properly report the proceedings; if he does not exercise his judgment, there are complaints made that he should have done so. In the present instance, the hon. senator from Marshfield said that he would see that the remarks made by the hon. senator from Wellington would be distributed freely in Prince Edward Island. Under the circumstances, the reporter would hardly be justified in suppressing those remarks in his report. I am sorry that an incident of that kind should occur in this House. Hon. members should arrange so that no remarks of that character should be made against one another.

Hon. Mr. FERGUSON—I am rather surprised at the view taken by the hon. member from De Salaberry in regard to this matter, that because I said I would take care that the speeches of the Secretary of State and the hon. gentleman from Wellington should be circulated in Prince Edward Island that I should be indifferent to the circulation all over the Dominion and beyond Canada of the personal detraction referred to. It was my intention to have these speeches well circulated in Prince Edward Island, where I am known, not only for that incident, but for other statements which they contained, but I certainly did not think, and do not think yet, that the personal detraction, affecting one's private as well as his public character, should be given to the press without my explanation made on the motion to adjourn at a later stage. My hon. friend from De Salaberry has not stated what the reporter's explanation is with regard to that.

The SPEAKER—The first remarks of the hon. gentleman from De Salaberry were—and I have it from the reporter—that he did put at the end of his report the remarks made by the hon. gentleman. He is sorry not to find those remarks in the 'Citizen,' but hopes they will be in some other paper.

Hon. Mr. POWER—Surely the hon. gentleman does not expect the reporter who makes the summary report and sends it to the newspapers, to control the action of the papers? That is the fact in this case. The reporter says that he furnished a satisfactory report, including the closing observa-

tions of the hon. gentleman, to the 'Citizen' and I do not see anything to gain from continuing the discussion.

The SPEAKER—The point raised by the hon. gentleman from Marshfield is that the report sent to Mr. Soutter does not contain a reference to the incident. The reporter tells me he had two reports sent up to Mr. Soutter. Perhaps the hon. gentleman only saw the first part.

## FRENCH TRANSLATION OF CAMP INSTRUCTIONS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is it the intention of the military authorities to cause to be translated into French, and to distribute in opportune time before the next annual training, for the use of volunteers of French origin, the two pamphlets which are given every year in English to the volunteers of the country, and which embrace, one of them, the syllabus of the daily routine of the troops in camp (Camp Instructions), and, the other, the programme of military exercises varying every day, but settled in advance, through which those who take the training of the Canadian militia must pass ?

Hon. Mr. SCOTT—The answers are as follows :—

The memorandum for camps of instruction has been translated into French and is now in the hands of the printer.

Extracts from infantry trainings, 1905 and appendix to training manuals, 1905, are now being translated into French, but it is very doubtful if the work will be completed in time to be issued before training commences this year.

## INSTRUCTIONS OF VOLUNTEER FORCE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What number of qualified instructors can the different corps of the permanent force furnish at present to the volunteer militia ?

2. Out of this number how many instructors are there qualified to give the required instructions to volunteers enrolled :

(a) In the cavalry and mounted infantry.
(b) In the garrison artillery.
(c) In the horse and field artillery.
(d) In the infantry.
(e) In the school of musketry.
(f) In the engineers.
(g) In the army service corps.
(h) In the corps of guides and the corps of signallers.
(i) In the army medical corps ?

3. Amongst all these qualified instructors, how many are there :

(a) Of French origin.

(b) Of other origin, but capable of giving military instructions in the French language?

Hon. Mr. SCOTT—It will be impossible to give the information called for in the inquiry above, without obtaining returns from all stations of the permanent force. This cannot be done before parliament prorogues.

## KING'S REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY called :

The attention of the acting Minister of Militia of the following fact :

I.

On April 24, 1906, one year ago, Hon. Mr. Landry rose to direct the attention of the government to the following clause of the Militia Act :

74. The Army Act for the time being in force in the United Kingdom, the King's Regulations, and all other laws applicable to His Majesty's troops in Canada and not inconsistent with this Act or the regulations made thereunder, shall have force and effect as if they had been enacted by the parliament of Canada for the government of the militia, and every officer and man of the militia shall be subjected thereto from the time of being called out for active service, and also during the period of annual drill or training under the provisions of this Act, and also at any other time while upon military duty or in the uniform of his corps upon or within any rifle range or any armoury, or other place where arms, guns, ammunition or other military stores are kept, or any drill shed or other building or place used for militia purposes, or during any drill or parade of his corps at which he is present in the ranks, when going to or from the place of drill or parade, and also whether in uniform or not at any drill or parade of his corps at which he is present as a spectator.

2. Officers and men of the permanent force and members of the permanent staff of the militia shall at all times be subject to military law.

97. The regulations for the composition of courts of inquiry and courts martial, and the modes of procedure and powers thereof, shall be the same as the regulations which are at the time in force for the composition, modes of procedure and powers of courts of inquiry and courts martial for His Majesty's regular army, and which are not inconsistent with this Act, or the regulations made thereunder.

And inquired of the government :

As the Army Act and the King's Regulations of the United Kingdom become, by these legislative enactments, laws and regulations having force and effect in Canada, does the government intend, in the interest of the militia and for its better government, to provide each commanding officer of a division, of a brigade, of a regiment, of a squadron, of a battery, of a company, or of any corps whatsoever, with a copy, in the English version or in the French version, as the case may be, of these imperial laws and regulations ?

If such is the intention of the government, can the distribution of these books, which are indispensable since they are made imperative,

be made before the date of the next training of the volunteer forces ?

Can the French translation of these books be begun at once so that the officers of French origin may have the benefit of these laws and of these regulations at the same time as English comrades ?

Hon. Mr. SCOTT—The matter is receiving the consideration of the department.

II.

The Militia Act contains the following enactments :

126. The Governor in Council may make regulations for carrying this Act into effect for the organization, discipline, efficiency and good government generally of the militia, and for anything requiring to be done in connection with the military defence of Canada.

127. Such regulations shall be published in the 'Canada Gazette,' and, upon being so published, they shall have the same force in law as if they formed part of this Act.

III.

Chapter 2 of the Revised Statutes of Canada, which were in force from 1886 to 1907, enacts as follows :

9. The Acts of the parliament of Canada shall be printed in two separate volumes, the first of which shall contain such of the said Acts and such orders in council and proclamations or other documents, and such Acts of the parliament of the United Kingdom, as the Governor in Council deems to be of a public and general nature or interest in Canada, and directs to be inserted in the said volume, and the second volume shall contain the remaining Acts of the session, and shall be printed after the first volume ; and copies of the said volumes shall be printed in the English and French languages respectively, by the Queen's printer.

And that he will inquire :

Has ever the Governor in Council deemed it to be of a public and general nature and in the interest of Canada to have inserted in the volume containing our own laws that Act of the parliament of the United Kingdom known as the Army Act, and which by our own Militia Act is declared to have force and effet in Canada ?

If so, when was such an order in council passed, and in what volume of our statutes is the Army Act to be found ?

Has ever the King's Regulations in force in the United Kingdom been published in the 'Canada Gazette,' as the obligation is imposed upon us for our own Canadian King's Regulations prior to their having any force in law ?

If so, when did such publication take place, and in what number of the 'Canada Gazette' is it to be found ?

Is the government now prepared after one whole year of consideration, to take the proper steps to have the Army Act and King's Regulations in force in the United Kingdom, published in our country either in the statutes or in the 'Canada Gazette,' as the case may be, and to have them distributed to the officers commanding the different units of the Canadian militia, and will such a distribution be made before the date of the next training of the volunteer forces ?

Hon. Mr. SCOTT—The answers are as follows :

A Bill to amend the Militia Act which deals with some of the points referred to by the Hon. Mr. Landry, was prepared with a view to being brought down to parliament this session, but, owing to the desire of the government to bring the session to a close to enable the right hon. the Premier and the Minister of Militia and Defence to attend the colonial conference, it was decided to hold the draft Bill over until the next session of parliament.

As regards part 3 of the Hon. Mr. Landry's inquiry, it has not been deemed, so far as the Department of Militia and Defence is concerned, to be of a public and general nature, and in the interests of Canada, to have inserted in the volumes containing our own laws that Act of the parliament of the United Kingdom known as 'The Army Act.'

The King's Regulations and Orders in force in the United Kingdom have not been published in the 'Canada Gazette,' and it is not understood that it is necessary to so publish them. Copies are kept in the Department of Militia and Defence for distribution, free, to officers entitled to them, or for issue on repayment to officers who belong to the militia, but are not, by virtue of the appointment or rank they hold, entitled to free copies.

Hon. Mr. LANDRY—Would the hon. minister be kind enough to press the matter as to the translation? I think we could get it if it were rushed.

Hon. Mr. SCOTT—I will take a note of it and see what can be done.

## PETAWAWA CAMP.

### INQUIRY.

Hon. Mr. LANDRY—Has the hon. Secretary of State any fresh information in relation to the Petawawa Camp ? The hon. gentleman was kind enough to say he would try to get a copy of the correspondence for this House.

Hon. Mr. SCOTT—I may say I sent word to the department this morning asking if they had another typewritten copy, and they informed me they had. So I requested them to forward it at once to the Senate, and I expect we will have it in a short time.

## COMMUTATION OF SENTENCE ON PRISONER CAZES.

Hon. Mr. LANDRY—I received communication from my hon. friend in re-

gard to the Cazes case. It is a telegram dated Ottawa, notifying the sheriff that the Governor General has been pleased to commute to life imprisonment the death sentence passed on Cazes, who is now confined to the jail in Quebec. I understand this is the only paper issued and nothing has occurred since?

Hon. Mr. SCOTT—I sent to the Department of Justice, particularly to Mr. Power, who has to do with the commutation of sentences, and he informed me that is a true statement of the case as it stands at present.

Hon. Mr. LANDRY—I desire to know if there was any further action in regard to it?

Hon. Mr. SCOTT—I am inclined to think there was not.

## QUEBEC HARBOUR COMMISSIONERS BILL.

### THIRD READING.

The Order of the Day being called:

Third reading of Bill (159) An Act to increase the borrowing powers of the Quebec Harbour Commission.

Hon. Mr. SCOTT—While this Bill was in progress, a very pertinent and proper question was put to the minister as to whether the first lien stood prior to the $800,000 that is now being authorized. In order to get proper information, a telegram was sent to the Harbour Board, and they answered that the bonds issued under Acts of 1898 and 1899 were privileged and would rank ahead of the new loan unless the contrary was provided in the Bill. I therefore move the House in Committee of the Whole on this Bill in order to have the amendment made.

The House resolved itself into a Committe of the Whole on the Bill.

(In the Committee.)

Hon. Mr. McMULLEN—I should like to know if, under the previous Act, the full amount of bonds were issued or only a part?

Hon. Mr. SCOTT—The first year there was $150,000 issued and the $200,000 also, so that at the present time there is $350,000 of new issue since the statute was passed, placing the liens of the government of Canada behind.

Hon. Mr. McMULLEN—Was $350,000 the full amount they were authorized to issue by that Act, because, if not, we require to insert the words 'that are now issued.'

Hon. Mr. SCOTT—There is a general authority. They have to define particularly when they are going to issue them. The government of Canada gave the corporation the right to issue their own bonds, agreeing to stand behind them, and they arranged them in 1898 and then again in 1899 in order to meet the new liabilities they were incurring.

Hon. Mr. McMULLEN—Could they issue any more bonds under the authority granted?

Hon. Mr. SCOTT—No, they would have to come here for any new issue, just as they had to come for the $800,000.

The clause was adopted.

Hon. Mr. WOOD, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time, and passed.

## SUBSIDIES TO RAILWAYS BILL.

### SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (178) An Act to authorize the granting of subsidies in aid of the construction of certain lines of railway therein mentioned. He said: As I am advised, and as the understanding was when the matter came up before the Privy Council, it was agreed that a Bill should be introduced authorizing the granting of subsidies that had been previously voted, but of which the time was lapsing. If I am correctly advised, this Bill contains no more than revotes of subsidies already authorized. There are none of them for very considerable amounts, and they all appear to be short lines.

Hon. Sir MACKENZIE BOWELL—What is the total amount to be voted?

Hon. Mr. SCOTT—I did not make it up. Under the law you cannot very well form an opinion, for the reason it depends on whether the line costs more than $15,000 per mile. As hon. gentlemen know, after

$15,000 per mile cost, the subsidy is graded according to the report of the engineer.

Hon. Mr. LOUGHEED—Has my hon. friend anything before him to indicate how much of last session's subsidies has been paid out ?

Hon. Mr. SCOTT—I have no information, but I do not think very much has been paid. The difficulty of obtaining labour has been one of the obstacles to earning it.

Hon. Mr. LOUGHEED—My hon. friend feels fully assured that no new subsidies are contained in this Bill ?

Hon. Mr. SCOTT—That was the understanding in Council.

Hon. Mr. LANDRY—I would ask the hon. gentleman if the subsidies in clause 22 are revotes ?

22. To the Klondike Mines Railway Company, for the following lines of railway, namely :
(a) for a line of railway from Dawson to a point at or near Sulphur Spring, not exceeding 31 miles ;
(b) for a line of railway from a point at or near Sulphur Spring to a point at or near the divide between Dominion and Flat creeks, not exceeding 45 miles ; and
(c) for a line of railway from a point at or near the said divide to or towards the Stewart river, not exceeding 8 miles ; the whole in lieu of the subsidy granted by chapter 43 of 1906, section 1, item 46.

Hon. Mr. SCOTT—Yes, and I understand that considerable portions of the lines have been built by an English company.

Hon. Mr. LANDRY—The hon. gentleman says they are revotes, but that is not stated in the resolutions submitted in the House of Commons. Those that are revotes are so mentioned, but this appears as a subsidy to new lines.

Hon. Mr. SCOTT—In the case of the Stewart river line, that may be an extension. The line is being extended, but it is part of the same road and the vote is general. I understand the work is going on.

Hon. Mr. LANDRY—It would have been very easy to give us the information asked for by the leader of the opposition, by stating the maximum and minimum amounts.

Hon. Mr. SCOTT—It is absolutely impossible to tell that until the work is going on.

Hon. Mr. LANDRY—The hon. gentleman could give us the length in miles, and if he cannot make the calculation himself we will do it for him.

Hon. Mr. SCOTT—I can run over it and mention the mileage.

Hon. Mr. LANDRY—We can all do that. I am asking for information which the hon. gentleman should be able to furnish before calling on us to vote these subsidies. We should have a statement of the mileage covering these subsidies and the probable amount they may cost.

Hon. Mr. SCOTT—I can assure my hon. friend I have not had many idle hours this last week and I did not anticipate questions of that kind. Whether the mileage is 400 or 500 miles I do not think is a matter of much consequence. As hon. gentlemen know, many of these subsidies lapse in the end and are never earned. Those that have a prospective value are carried out, but many of the lines are never built. We cannot speculate on what is likely to occur.

Hon. Mr. LANDRY—We should know the amount we are asked to vote.

Hon. Mr. SCOTT—It is impossible to give that, because the subsidies vary from $3,200 to $6,400 per mile, depending upon the cost, which can only be ascertained when the line is being built. As to the gross mileage, making a guess at it, I think it would amount to 400 or 500 miles altogether. Some of those lines are very short. I fancy an estimate of 350 miles would be about correct.

Hon. Mr. LANDRY—I suppose by next session we will have that information.

Hon. Mr. SCOTT—If the House will sit until Monday I will get the information.

Hon. Sir MACKENZIE BOWELL—How many of these roads have been commenced?

Hon. Mr. SCOTT—I do not know. The only one that was discussed as having been in operation was the line in the Klondike. I doubt whether any of the others have been commenced yet.

Hon. Mr. ELLIS—There are three in New Brunswick that have never been touched.

Hon. Sir MACKENZIE BOWELL—This is a fair illustration of the manner in which

the government have been granting these subsidies to promoters of proposed railways. It verifies the statement made by several gentlemen when discussing these questions in the different committees, that in too many cases the promoters simply took a map and drew a line running from one point to another and asked for a subsidy for the purpose of constructing a railway on the line indicated, but really for the purpose of selling a charter. Here are votes to the extent of over $3,000,000 for short lines running all the way from fifty miles down to one mile in length. Now is it possible that there is a railway company which requires a subsidy of $3,200 to construct a mile of road to connect with navigation? That is what is asked for in the following:

7. For a line of railway from a point on the Dominion Atlantic Railway to the government pier or wharf at Canning, in lieu of the subsidy granted by chapter 57 of 1903, section 2, item 25; not exceeding 1 mile.

The object originally in granting subsidies to railways was to aid in furnishing communication to settlers and opening up unsettled portions of the country. That was the original intention and when the late John Sandfield Macdonald, as premier of Ontario, inaugurated the system in that province he refused to grant a subsidy to any corporation or body of men until they could satisfy him that they had surveyed the line and had the means to commence construction. I think the hon. Secretary of State was in the Ontario legislature at that time. That furnished some protection to the revenue, and not only that, but an assurance to the country that the money granted by the province would be properly used. We have in the Bill before us subsidies that were granted three or four years ago and for what purpose are we asked to renew them? Simply because speculators and promoters have not had an opportunity of selling their charters, and we are going on from year to year perpetuating this encouragement to men who have not the slightest interest in these roads beyond selling their charters. The granting of subsidies in aid of railways is being fearfully abused, and so long as the abuse is continued we will have a lot of bogus charters granted to promoters for no other purpose than to give them an opportunity to make money by selling them.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—There may be something in the hon. gentleman's observations, but it is too sweeping to apply to all these lines. On analysing these different grants I find that they are extensions of subsidies granted in 1899. Take, for instance, the very first one:

1. To the Central Ontario Railway, for an extension of its railway from a point at or near Bancroft to a point on the Canada Atlantic Railway at or near Whitney, in lieu of the subsidy granted by chapter 57 of 1903, section 2, item 4; not exceeding 40 miles.

I find on reference to the Act of 18[illegible] that the first grant is for an extension from Coe's Hill, or Rathbun's station on the company's railway to a point at or near Bancroft, and this is in lieu of a subsidy granted in 1892. So my hon. friend must have had something to do with that subsidy himself, since it originated as far back as 1892. I suppose they built a certain distance from time to time and have been getting the subsidy as they have extended their line. Now that is a fair illustration. It is all encouraging the construction of railways, so we cannot be too critical in dealing with them. I find that the same observation would apply to a number of these items, they are revotes of subsidies granted fifteen or twenty years ago. It is very hard to discriminate. They make a commencement and build a few miles and say they want to extend to a town thirty or forty miles further on, and so they ask for another subsidy. If they do not build we do not lose anything; they do not get the subsidy. Even if the charter is owned by speculators, if the line is built the country gets the benefit of it. I do not know that any promoters have ever got rich by holding charters. They are generally pretty well squeezed.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman could give as good an explanation for each paragraph as he has given for the first one there could be no objection to it. A portion of the line to which he has called special attention was built a great many years ago from Picton to Trenton and thence north to the iron mines in North Hastings, and so onward. That is an enterprise which comes within the class I mentioned a while ago: it opens up a portion of the country that is partially settled only, and will make the

connections between the frontier line of the Grand Trunk Railway at the town of Trenton back to the Canada Atlantic branch of the Grand Trunk Railway, opening up that whole section of country. That is quite justifiable, and if the same explanation could be given of every one of these (which I am sure could not be done) it would be quite satisfactory.

Hon. Mr. McMULLEN—Some change should be made in this system of renewing from time to time subsidies to railways. Where no progress has been made for two or three years and the promoters come back asking for a renewal of the subsidy, it should be regarded as evidence that they are speculating and not seriously thinking of building the railway. We know that some sales of charters have taken place; for instance that road running southwest from Edmonton, which was sold to the Canadian Northern. The Canadian Northern had agreed to pay a certain amount of cash, which they did pay, and there was a covenant to allow a certain percentage of the debentures for the construction of the balance of the road, all clearly showing that that charter was got for speculative purposes with no intention whatever on the part of the promoters of building the line. It would be better to draw a line and not encourage such people getting charters and securing subsidies and having them renewed from year to year. There should be a change in some way so that we can get rid of those who are peddling around charters instead of attempting to do actual construction work. In the case of lines on which real progress has been made and the companies are carrying on their enterprises in good faith, it would undoubtedly be unfair to close the door and refuse to grant any more subsidies except for the portions of the road already built.

The Crown should certainly keep faith with them, and if they do ultimately carry out their undertaking, they should be entitled to receive the subsidy first granted. But no inducement should be held out to the others. I have carefully added up the number of miles. My hon. friend from Hastings asked about the number of miles included in these railways that are in this list. I observe that the subsidy will apply to 995 miles of road, and if you would count the entire length, say at the rate of $3,200 per mile, and a few of them in addition for the whole amount, which I thought would be a fair estimate, the subsidies would amount to $4,825,000. That would be the subsidy on the present vote. I hope that a fair warning will be given to those that are included in these subsidies, that if they come back again, asking for a renewal, unless they can show that progress has been made and part of the line constructed, that the subsidy should not be renewed.

Hon. Mr. LANDRY—As the hon. gentleman said he would not be prepared to give us the information asked for till Monday or Tuesday, I took the pains to make a simple addition, while he was speaking, so that we would not be obliged to remain here for an answer till Monday or Tuesday, and could go away this afternoon. The 1,094 miles, in round number 1,100 miles for which a revote is asked at $3,200 per mile, would amount to $3,500,000 odd, and if the maximum of $6,400 per mile is obtained, it would mean about, in round numbers, seven millions. We must be prepared to expend at the minimum $3,500,000, and at the maximum figure seven million, according to the disposition of the contractors, who might claim for the full payment, or for the reduced payment, depending on the work they would perform. That is what we are asked to do, and I suppose having given the information to this House, without having put the hon. minister to the task of making the additions, and multiplications, he will feel sure we are helping him in the discharge of his duties, and that if a change takes place as far as the Secretary of State is concerned, it will not be Mr. Devlin that will take his position, but he will probably give one of the senators of this House a chance.

The motion was agreed to, and the Bill was read a second time.

Hon. Mr. SCOTT moved the suspension of the rules.

Hon. Mr. LANDRY—I suppose it is considered a money Bill?

Hon. Mr. SCOTT—Very much a money Bill.

Hon. Mr. LANDRY—If it is really a money Bill we have no right to amend it.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—We amended a money Bill yesterday.

Hon. Mr. SCOTT—These votes will appear again. The hon. gentleman will have lots of opportunity to discuss it.

Hon. Mr. LANDRY—There is no use going into committee, because we cannot amend it, but we amended the address yesterday, and that was a money Bill.

The motion was agreed to.

The Bill was then read the third time, and passed.

## QUEBEC BRIDGE AND RAILWAY COMPANY BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (169) An Act to authorize a loan to the Quebec Bridge and Railway Company.

He said: As hon. gentlemen are aware, when it was proposed to build the Quebec bridge, the government was asked to guarantee the bonds. Authority was given for that purpose, I think, up to about eight million. The bridge company made an arrangement with the Bank of Montreal, I believe, for advances on those bonds. On those advances the bonds were deposited with the bank. The bridge is now nearing completion. The steel I believe is already on the way towards being put in place. It now becomes necessary to avoid the sacrifice of debentures, because as a matter of fact experience has shown that even bonds guaranteed by the government do not command anything like the price that securities issued by the government themselves command. There would be a very considerable loss if the bonds were sacrificed at the present time, and in view of the construction of the Transcontinental, the proposal is that a bridge company should be formed of all the railways that will use it. There are, I believe, about six or seven railways that are likely to use the Quebec bridge, but there was no time during the present session to mature a scheme that would be acceptable to all parties; therefore the government decided that they would themselves take up those bonds, and advance up to next session whatever might be necessary to continue the construction, and it is thought this bridge company should be formed by the railway companies that propose to use the bridge, and take it over. This Bill therefore provides that the Governor in Council may from time to time advance by way of loan to the Quebec Bridge and Railway Company a sum not exceeding $6,678,200, for the purpose of the undertaking of the company, as set forth in chapter 54 of the statutes of 1903 bearing interest at 3 per cent per annum payable half-yearly. That money has been advanced on the security of the government guarantee. It is proposed to take up those bonds rather than to have them sacrificed, and to advance the necessary money that may be required between now and next session, when it is hoped the bridge company will be formed, consisting, as I said before, of the five or six railways, perhaps more, that are now contemplating using the bridge.

Hon. Mr. LOUGHEED—What will be the cost of the bridge?

Hon. Mr. SCOTT—I think about eight millions.

Hon. Mr. LANDRY—We have not the Bill.

Hon. Mr. SCOTT—It is a short Bill. The money has been spent. The hon. gentleman is from Quebec, and is familiar with the situation, and it is fairly well known to gentlemen who take an interest in Quebec affairs. I have given the House a resumé of the facts as they occurred, and the reason for this action. The monetary institution that holds those bonds wants additional security.

Hon. Mr. OWENS—When do the bonds in question mature?

Hon. Mr. SCOTT—I do not know. They will be twenty or twenty-four year bonds. If the hon. gentleman from Stadacona takes fright at a Bill for six million dollars of money, what will he say about $116,000,000?

Hon. Mr. LANDRY—I will be amazed.

Hon. Sir MACKENZIE BOWELL—There is no analogy between the presenting of a Bill for an advance of six million for the building of a bridge, what might be termed

a private enterprise, and the subsidy Bill. Surely there is a distinction between the two, and is this measure not the forerunner of the intention of the government to assume the whole responsibility for that bridge? The hon. minister shakes his head, but any one who has paid any attention to and knows anything of the history of the construction of this bridge would come to a different conclusion. It commenced with a small capital, and then it was aided by the government, and if the accounts were properly audited and the public could see them, it would show that a number of private individuals took up a large amount of the money advanced or guaranteed by the government. The proposition is to take the bonds and advance the money upon them. What guarantee has the government that the interest on these bonds will ever be paid? I venture the prediction that they will never get a cent until the capital has become exhausted. They may possibly pay some interest on the bonds as long as they have capital upon which to pay it; but beyond that it will be a surprise to most people if this country ever realizes ten cents. Or perhaps the government intend to get the matter in such a position as to compel the companies to purchase the bridge, as companies have been compelled under certain circumstances to take over roads which were not very profitable to them. The whole thing will present itself to the mind of those who have paid any attention to it, as a gigantic speculation on the part of a certain number of people in the city of Quebec, by which they have lined their own pockets pretty well.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Mr. LANDRY moved the adjournment of the debate.

The motion to adjourn the debate was agreed to.

## CORRESPONDENCE RE PETAWAWA CAMP.

Hon. Mr. SCOTT—I have succeeded in getting a copy of the correspondence involved in the proposal to take possession of the Petawawa ground for a military camp.

Hon. Sir MACKENZIE BOWELL—I observe that in an interview at Toronto, the provincial premier emphatically denies the statement made by the Finance Minister that there has been any sharp dealing on the part of the Ontario government or any non-fulfilment of their promises.

Hon. Mr. SCOTT—It is a case where as between gentlemen a misunderstanding might fairly arise. Four years ago, when Sir Frederick Borden was looking for a camp ground, he made application to the province of Quebec, and they offered and practically granted ground in the neighbourhood of Kazuabazua, up the Gatineau river, probably eighty miles. Attention was called to the fact that there was good ground at Petawawa and it was more accessible by railway and more convenient for those who are likely to use the camp ground, and so before the change of government in Toronto, Sir Frederick Borden had a correspondence with the department there, and they saw no objection to making an offer of the ground for a nominal price. Relying on that, the department commenced the expenditure of money. They put up buildings to the value of a hundred thousand dollars. However, those buildings are put on grounds that belonged to parties who held patents. I may say that the territory is under timber license, but there are a number of settlers on it who acquired homesteads and paid for the lands, and the buildings that the government have placed on the property are on lots that have been acquired from the settlers, so that there is no lease there. Things went on in that way, the department supposing everything was settled. After the change of government, the correspondence with Toronto was renewed, and an equally favourable answer was given by Mr. Cochrane, Minister of Crown Lands. Some time after that, the question of the timber licenses came to the front. It had been overlooked. Neither party seemed to have any notion of it. The owners of the timber license did not wish to be transferred. They preferred to hold their licenses from the Ontario government. Naturally that was the position. It was then sug-

gested by the Ontario government that the Dominion government should buy out the licensees. The price was about a hundred thousand dollars, or a little more on the value of the timber, which was thought to be a price far beyond the value, and in that way the controversy developed. Then it was suggested that the Dominion government should give some property held by the Crown in the neighbourhood of Niagara, and the answer was that that could not be done, as the land in question had been set apart for other purposes. That is the whole story. The licenses held by the parties who had the right to them are renewable year by year. I do not know what the value of the timber may be. I rather think the limits have been pretty well cut over. I know they have been cut on for the last sixteen or seventeen years. It was a convenient place for lumbering operations and the timber cannot be of very much value. When it came to that crisis, the government at Toronto said: 'You must deal with the timber limits; we will not deal with you unless you pay us the price we put on the value of the timber. Then on the advice of the Minister of Justice an order in council was passed, authorizing the expropriation of the land. Under the British North America Act there is a clause which authorizes the central government to expropriate provincial lands if required for fortification or defence. That is the question at present.

Hon. Sir MACKENZIE BOWELL—Do they propose to erect fortifications at Petawawa?

Hon. Mr. SCOTT—No, I think it will be used as a practice ground for infantry, artillery and cavalry. It is incidentally for the purpose of training men who will be employed in the defence of Canada. Whether the courts would hold that that comes fairly within the meaning of the words in the British North America Act, I do not think I should be called upon to say. I have a very decided opinion on it, but I do not propose to give it. The question is whether the practising at long range and so on could be considered as being required for fortifications. Certainly not. Could it be required for the defence of the country, because it is simply used as a ground for training? That is the whole story and that is the way the matter stands at present.

Hon. Sir MACKENZIE BOWELL—If I am to judge from reading the debates in the other House, and the utterances of the Premier of Ontario, the hon. gentleman has not told the whole story. I have not observed that the late government of Ontario or the present government threw any obstacle in the way of the department acquiring the lands about Petawawa for the purpose indicated by the hon. gentleman, but I notice that in the letter and declaration made by the Minister of Militia he refuses pointedly to recognize the rights of the parties who hold the timber licenses. Well, I need scarcely say to the hon. gentleman, that he very well knows what the policy of the Ontario and all other governments has been in reference to the licenses of timber limits. While it is true that the licenses are renewable every year, it is not only an acknowledged fact, but a practice and precedent that has existed ever since the government have granted licenses, that they should be renewed every year, subject to any additional stumpage or any other condition imposed by the legislature. I notice that Mr. Whitney says that while they were not prepared to accept the dictum of the Minister of Militia, had the policy been pursued as indicated by the present Minister of Finance in discussing this question in the House of Commons a short time ago, been followed, there would have been no difficulty. The Finance Minister then stated that whatever right the licensees had for these lands should be recognized. An individual would never think of taking possession of the lands, as the government have taken possession of these lands beyond the Petawawa river, without recognizing the rights of the licensees, or those who had patents, and those who had settled, and had not yet received their patents; and it would be an act of gross injustice—I think my hon. friend himself would admit that—to take possession of a quantity of land in any province and deny what fairly might be assumed to be vested rights in that land. I am quite sure that no government in Canada would object to allotting at a very small rental, and would recognize the right of the Dominion government to acquire

unoccupied lands in any of the provinces for the purpose for which these were acquired.

I would recognize the right of the Dominion government to acquire unoccupied lands in any of the provinces for their purposes, and from what little I have seen of the position taken by the late government of Ontario they displayed the same desire to meet the wishes of the Department of Militia, but not at the expense of individuals who have vested rights in that locality. If the licensees of timber limits are asking exorbitant prices, there is a way to reach that without refusing to deal with them at all. That could be done by arbitration, if not by voluntary arbitration a law could be passed to compel them to submit to arbitration if the land is required for the purpose the hon. gentleman has indicated. I should rather draw the conclusion from the remarks of the anti-warrior, the hon. Secretary of State, who has expressed such abhorrence of anything like war, but who is at present the head of the Militia Department—that he agrees with the leader of the opposition in the House of Commons, that the taking of these lands could not well be considered necessary for military or for naval purposes, although they are on a river. They are no doubt suitable for the purposes for which they are acquired, but whether that comes within the meaning of the British North America Act is very doubtful, and I should like to see it tested in the courts and if necessary by an appeal to the law lords of the Privy Council in England.

Hon. Mr. KERR—From what I have read on the subject I understand that the government have no intention of interfering with the rights of the timber licensees, and that what they are willing to do is to let the license holders still have their timber and all the rights they enjoy under their licenses whatever they may be. Not only that, but the Ontario government shall have all the dues coming from the licenses, so that whilst they are taking the property and desire really to put themselves in the same position that the former Ontario government had intended them to occupy, they were not going to do any injury to the licensees of the timber limits or to the local government in respect to the dues payable to them. But it is another matter when they say they will determine the way in which the Dominion government shall deal with the licensees and that they shall compensate the license-holders at some exorbitant rate. That is what the government of Ontario proposed and what the Dominion government declined to do.

Hon. Sir MACKENZIE BOWELL—That is not fair. What they said is: 'You shall pay a fair price to the license-holders.' They never said: 'You shall pay an exorbitant price.'

Hon. Mr. KERR—A price to be fixed by the Ontario government or by arbitrators appointed by them, I do not care which way it is put. It is one thing to say that you must pay by any kind of system to be devised by us, and another thing to say you can take the property, but you must not interfere with existing rights.

Hon. Sir MACKENZIE BOWELL—If a policy had been pursued such as the hon. gentleman indicated, there would be no trouble. I should judge from the remarks of the Minister of Finance in the other House not long ago that he is prepared to take that course now. He did say in addition, however, that they had nothing to do with the licensees, that they could look after themselves—I think those were the words he used. I venture the assertion that if it were not a Conservative government that is in power in Ontario to-day, they would be treated very differently by this government.

Hon. Mr. SCOTT—I think if the matter is approached in a friendly spirit and with a desire to settle it, the situation described by the hon. senator from Toronto is the true one. An element of it that ought not to be lost sight of is this: The troops would only occupy the ground during the months of June, July, August, and possibly part of September, and at that time of the year the licensee would not be cutting timber. My notion of a settlement is that the licensees should continue under the Crown as represented at Toronto, and if any damage or inconvenience arose from the occupation of the limit by the troops, the Crown at Ottawa should pay for that damage, but there would be no damage.

Hon. Mr. LANDRY—A simple glance at the papers brought down shows the intention of the government. Here is the last telegram sent by the Premier of Ontario to the Minister of Militia :

Toronto, Ont., March 26, 1907.

Sir Frederick Borden,
Minister of Militia, Ottawa.

I do not understand the action taken by you regarding Petawawa as shown by your despatch to the Lieutenant Governor of the 22nd of March having regard to the negotiations heretofore had between the government and yourself. I would be glad to understand clearly the reasons and necessity for this action.

(Sgd.) J. P. WHITNEY.

The answer is dated the following day, March 27, and is as follows :

TELEGRAM.

Ottawa, March 27, 1907.

Hon. J. P. Whitney,
Premier, Toronto.

Your telegram re Petawawa lands. Late provincial government having promised lease of Crown lands within Petawawa camp site for ninety-nine years at nominal rent, and Hon. Mr. Cochrane having definitely since the interview I had with you refused to carry out promise without consent of timber licensees, and timber licensees having demanded compensation for surrender their licenses, amounting to the exorbitant sum of $112,000, Department of Justice was consulted. On the advice of the Minister of Justice that the lands could be taken for defence purposes under British North America Act, steps were taken accordingly.

(Sgd.) F. W. BORDEN.

There is no offer to discuss the question with the licensees at all. Perhaps other documents may throw more light on the subject, but the last two telegrams indicate the spirit in which the matter is being dealt with.

## QUEBEC BRIDGE COMPANY—BILL.

### THIRD READING.

Hon. Mr. LANDRY resumed the debate on Bill (169) An Act to authorize a loan to the Quebec Bridge and Railway Company. He said : This Bill is to provide money for the construction of the Quebec Bridge. We are told that the bonds guaranteed by the government by the legislation of 1903 cannot be sold at par value, and that a great deal of loss will occur if the exchange of those bonds is left in private hands, notwithstanding the guarantee of the government. I would ask my hon. friend the Secretary of State at the outset, if there has been any attempt to float these bonds on the part of the company ?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—I am not advised. I think they were simply deposited with the bank and advances made on them.

Hon. Mr. LANDRY—If my information is correct, no attempt whatever has been made to float the bonds. Has any correspondence taken place between the government and the company on that subject ?

Hon. Mr. SCOTT—I do not think so. Any thing that would have transpired would have been verbal and informal.

Hon. Mr. LANDRY—It was a verbal and informal demand made on the government by the present chairman of the National Transcontinental Railway Commission. That is the interest that was taken in those bonds. There was nothing at all on which that gentleman could base his demand—no attempt had been made to float the bonds, but because of the great interest the government is taking in that enterprise—a private enterprise—all those things are being done. I do not think it is done in the interest of the public. The Quebec Bridge company was organized in 1884, and legislation was enacted in 1887, in 1891, in 1897, in 1900, in 1901 and in 1903. In 1901, when the question came before parliament, the Premier of the Dominion made a speech and gave out all the figures of the cost of the bridge. At that time he found that $4,000,000 would meet the requirements of the case, but that amount was found insufficient. In 1903 the company came back to parliament and asked for an authorization to float bonds to the amount of $6,678,200. That permission was granted and a contract was made between the company and the government under which the government took power to acquire the undertaking at any time they chose to do so. There is something very peculiar in that contract. Part of that subsidy had been granted by the Dominion parliament, the provincial legislature and the municipal corporation of the city of Quebec. Bonds had been issued and the company tried to float them to to the amount of $472,000. That amount of bonds was put into the hands of the contractor. He negotiated those bonds and obtained for them $283,279. When the contract was made with the government, the government took that feature of the undertaking into consideration,

and imposed upon the company an obligation to subscribe $200,000 in additional stock. Out of the $200,000, a sum of $188,271 was to be set aside to be used in the payment of the loss which occurred in the floating of the debentures. Clause 4 says :

The company will procure subscriptions for additional amounts to the amount of $200,000, such new stock to be issued at a price not below par, and to be immediately paid up in full, the proceeds to be applied in the first place to the payment of the discount, for which the bonds of the company were issued, as aforesaid to wit, $188,721.

So the new stock that has been issued, in place of being expended on capital work was put aside and served to repay the loss that has been suffered by the company in the payment of the discount on its bonds. Those who furnished that money, as the original shareholders of the Company, were, by the contract, allowed certain advantages of which this House should be made aware. The company, for the purpose of its undertaking, had subscribed the amount of $65,000, and the amount of the new stock, $200,000, gave a total sum of subscriptions of $265,585.70. Clause 18, reads as follows :

The company agrees that the government may exercise and the government hereby reserves the right to take over the whole of the undertaking, assets, property and franchises of the company, at any time, on paying the shareholders the amount of their stock at the par value thereof, not exceeding the amount of $265,585.70, with simply interest at five per centum per annum upon such amount as from the date or dates of the payment or payments upon the original or any substituted stock ; such interest, however, to be charged with and reduced by the amount of the dividends (if any) which shall have accrued and been paid to the said shareholders respectively, so that no more interest than five per centum per annum after deducting all dividends shall in any case be paid to the said shareholders. The government, in addition to interest ascertained in manner aforesaid shall pay to the shareholders a premium of ten per centum upon the par value of the fully paid shares. Such right to take over the undertaking may be exercised at any time by the government upon giving one month's notice to the company.

We see by that clause, that the persons who furnish the money in the undertaking are sure to be recouped beyond the amount they have paid by five per cent interest since the moment they made the payment, and an additional 10 per cent on their subcriptions as a premium when the government choose to take possession of the bridge themselves. The Hon. Mr. Parent, who was Prime Minister of Quebec, and mayor of the City of Quebec, was at the time the president of the company. He is now the president of National Transcontinental Railway Commission. The persons forming the company paid up $65,000. In that $65,000 are placed 75 shares, $7,500 to Mr. Parent, outside of his ordinary shares. Those are shares for which he never paid a single cent. They were given to him, and each director of the company managed to get ten, twelve, fifteen or twenty shares of the stock without disbursing a single dollar, and the proof of this is in a report that was furnished to the House under document number 148 of the session of 1903. Having said so much, I will now come to the fact that another company, germane to this company was created in 1901 by chapter 81 of First Edward VII, 'An Act to incorporate the Quebec Terminal Railway Company.' That Company created in that year was composed of the following gentlemen :

The Honourable John Sharples, Charles Edmond Taschereau, Gaspard Lemoine and Roger Larue, all of the city of Quebec, and D'Arcy Scott, of the city of Ottawa, together with such persons as became shareholders in the company, are incorporated under the name of The Quebec Terminal and Railway Company hereinafter called 'the company.'

Clause 8 of the Act reads as follows :

The company may lay out, construct and operate by steam, electricity, or other power, a railway of the gauge of four feet eight and one-half inches from a point at or near the northern terminus of the Quebec bridge in the parish of Ste. Foye to the city of Quebec, and from the southern terminus of the Quebec bridge to a point at or near the point of intersection of the Grand Trunk Railway with the Intercolonial Railway at Chaudière curve, in the county of Levis or at any point on the Grand Trunk Railway to the east thereof; but the company shall not exercise the powers conferred by this section unless and until the Quebec Bridge Company (which is hereby authorized and empowered so to do) has signified in writing its assent to the exercise by the company of such powers of construction and operation.

That new company, created by an Act of parliament in 1901, never went to work, but in 1903 by chapter 177 of Third Edward 7th, it was moulded into the Quebec Bridge Company. Chapter 177 is entitled An Act respecting the Quebec Bridge Company and to change its name to the Quebec Bridge and Railway Company, and this company is empowered by clause 4 to lay out, construct and operate the following lines of railway, namely commencing at

or near the northern terminus of the bridge of the company now under construction at a point in the parish of Ste. Foye, in the county of Quebec, thence easterly following the general line of the St. Lawrence river to the city of Quebec. That enactment of 1903 is verbatim the repetition of the enactment of the Act of 1901. Virtualy it is the same thing. It recites word for word the powers given to the terminal company, and in addition it is given by clause 5 subsection E, power to build and operate a tramway from the bridge on the north side of the River St. Lawrence to the Champlain market wharf in the city of Quebec and following the general line of the St. Lawrence river and charge tolls or rates for passengers or freight carried thereon. This company to-day wants to construct the bridge, and to assume the power to bring all these railways into Quebec and build a central terminal or union station. I claim the company has not the right to do so, that the company must limit its railways to the limits of Quebec. Its power to construct a railway ends where the city begins. It cannot penetrate into the city, unless it is for the construction of a tramway, which power is expressly given by the Act I have just quoted. The Bill before us asks us to allow the government to furnish the money. I should say, before furnishing the money, that we should have more information. We know nothing of the work that has been done. Where is the report of the engineers that the government is obliged to send from time to time to the works in order to inspect them and to make report? I am told to-day that the officer named by the government for such instruction is one of the brothers of the president of the National Transcontinental Railway, president of the bridge company, a man living in Beauport, and having none of the qualifications which are required for such duties. The government should remember also that in lending the money to this company, charging them 3 per cent, they are increasing the profits of the company in a way which I think should be condemned by this House, and I wish to dissent from the vote of approval which is now asked from us. I do not wish to adopt this measure without a division, and it must be understood that it is carried on division. I do not want to take the responsibility of all the doings in the vicinity of Quebec under the name of the Quebec Bridge Company. There are things done, which no one can approve, and there are moneys voted and squandered without any control whatsoever. I desire to enter my protest against the measure the government is introducing this year, because in my opinion they do not take the proper course to make sure that all is done that the law requires in the construction of that bridge.



The motion was agreed to, and the Bill was read the third time and passed.

## THE SUPPLY BILL.

### FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (142) An Act for granting to His Majesty certain sums of money for the public service for the period of nine months ending March 31, 1907, and the financial year ending March 31, 1908.

The motion was agreed to, and the Bill was read the first time.

The Bill was then read the second time.

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Mr. LANDRY—I should like to call attention to one feature of this Bill. A few of our colleagues died during this session. They were sick for a portion of the time and a certain amount of their sessional indemnity was paid to them. I do not see why in this Bill we should be asked for a special vote for $2,500 in the case of a member who, after having put in an appearance, died during the session. I should think we would simply have to ask for the balance of the indemnity.

Hon. Mr. SCOTT—No money would be drawn in that case. No amount is drawn in excess of the full amount. There could be no authority for drawing more than the regular sum.

Hon. Mr. LANDRY—And what about the case of the hon. gentleman from Rothesay (Hon. Mr. Domville) ? He came from the old country, and, on his arrival in Montreal, met with an accident. I do not see why

he should not be paid for the days he was in the hospital in Montreal.

Hon. Mr. SCOTT—His case is a very regrettable one. Unfortunately, when he met with that sad accident in Montreal, instead of coming to Ottawa, he went back to London, which made it very embarrassing. He deliberately left Canada while parliament was sitting, which caused very serious trouble. He had important business on the other side in London, and felt that it was of more importance than his attendance here. I was most anxious personally to find some way of meeting his case, but it seems to be against the law.

Hon. Mr. LANDRY—I think the fact that something is against the law is not necessarily a reason why the hon. gentleman should oppose it.

Hon. Mr. SCOTT—The hon. gentleman would like us to make a new law in such a case.

Hon. Mr. LANDRY—Insert the words 'Notwithstanding anything in the Civil Service Act to the contrary.'

The motion was agreed to, and the Bill was read the third time and passed.

The Senate adjourned until 2.30 p.m.

## THE PROROGATION.

OTTAWA, Saturday, 27th April, 1907.

This day at Three o'clock P.M., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in His Majesty's name, by His Excellency the Governor General, viz. :—

An Act to incorporate the Manitoba Radial Railway Company.

An Act to amend the Militia Pension Act.

An Act to incorporate the Collingwood Southern Railway Company.

An Act respecting the Canadian Northern Ontario Railway Company.

An Act respecting the Quebec Oriental Railway Company.

An Act respecting the St. Mary River Bridge Company.

An Act to incorporate the Winnipeg and Northwestern Railway Company.

An Act to incorporate St. Leon Railway Company.

An Act respecting the Ontario, Hudson Bay and western Railways Company.

An Act respecting the Manitoulin and North Shore Railway Company.

An Act to incorporate the Abitibi and Hudson Bay Railway Company.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

An Act to amend the Inspection and Sale Act.

An Act respecting the Inspection of Meats and Canned Foods.

An Act to regulate the exportation of electric power and certain liquids and gases.

An Act respecting the Winnipeg Terminals of the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company.

An Act to amend the Immigration Act.

An Act to incorporate the Central Canada Manufacturers Mutual Fire Insurance Company.

An Act respecting the Atlantic, Quebec and Western Railway Company.

An Act to incorporate the Eastern Canada Manufacturers Mutual Fire Insurance Company.

An Act respecting the Traders' Fire Insurance Company.

An Act respecting the Accident and Guarantee Company of Canada, and to change its name to 'The Sterling Accident and Guarantee Company of Canada.'

An Act in amendment of the Railway Act.

An Act to incorporate the Ottawa Life Insurance Company.

An Act to amend the Gold and Silver Marking Act.

An Act respecting a certain patent of Philp J. Green, Melvin Hunt and John D. McMurrich.

An Act for the relief of Victor Harold Lyon.

An Act for the relief of Arthur Leon McPherson.

An Act to incorporate the Rock Life Assurance Company of Canada.

An Act to incorporate the General Animals Insurance Company of Canada, Limited.

An Act to amend the Adulteration Act.

An Act to amend the Act of the present session incorporating the Residential Fire Insurance Company.

An Act to readjust the Representation of the provinces of Saskatchewan and Alberta in the House of Commons, and to amend the Representation Act.

An Act to incorporate the Fidelity Life Insurance Company of Canada.

An Act to amend the Schedule A to the Revised Statutes, 1906.

An Act to amend the Criminal Code.

An Act respecting the Inspection of Electricity.

An Act to incorporate the Prudential Life Insurance Company of Canada.

An Act to incorporate the Ottawa Terminals Railway Company.

An Act to amend the Yukon Placer Mining Act.

An Act to amend the provisions of the Criminal Code respecting the preservation of the peace in the vicinity of public works.

An Act to amend the Winding-up Act.

An Act to amend the statute law in its application to the provinces of Saskatchewan and Alberta.

An Act to amend the Customs Act.

An Act to provide for further advances to the Harbour Commissioners of Montreal.

An Act respecting Bounties on Iron and Steel made in Canada.
An Act to amend the Exchequer Court Act.
An Act to amend the Canada Shipping Act.
An Act to amend the Judges Act.
An Act to amalgamate the Jordon Light, Heat and Power Company and the Erie and Ontario Development Company, Limited, into one corporation under the name of 'The Jordan-Erie Power Company.'
An Act respecting the Canadian Northern Railway Company.
An Act to increase the borrowing powers of the Quebec Harbour Commissioners.
An Act to create a Department of Mines.
An Act to amend the Railway Act.
An Act to repeal the Act of the present session intituled 'An Act respecting the surveys of the public lands of the Dominion and the surveyors entitled to make such surveys.'
An Act to amend the Act respecting the manufacture of binder twine in Canada.
An Act to authorize the granting of subsidies in aid of the construction of the lines of railways therein mentioned.
An Act to authorize a loan to the Quebec Bridge and Railway Company.
An Act to amend the Post Office Act.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows:—

May it please Your Excellency :

The Commons of Canada have voted the supplies required to enable the government to defray the expenses of the public service.
In the name of the Commons, I present to Your Excellency the following Bill :
An Act for granting to His Majesty certain sums of money for the public service of the period of nine months ending the 31st March, 1907, and the financial year ending the 31st March, 1908,
to which Bill I humbly request Your Excellency's assent.

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say :—

In His Majesty's name, His Excellency the Governor General thanks his loyal subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor General was pleased to close the Third Session of the Tenth Parliament of the Dominion with the following

SPEECH :

*Honourable Gentlemen of the Senate :*
*Gentlemen of the House of Commons :*

In bringing to a close the third session of the tenth parliament of Canada, I desire to express to you my thanks for the care and assiduity you have shown in the discharge of your important duties, the results of which are apparent in many important Acts which must prove of great benefit to the country.

I am glad to observe that the fiscal period terminating on the last day of March was, in proportion to its length, the most prosperous in the history of the Dominion, and that the present indications are that the expansion of the country's trade and revenue will continue during the year that we are now entering upon; a fact that is particularly gratifying in view of the important undertakings to which Canada is committed.

The stream of immigrants entering the Dominion continues yearly to expand, and it is very satisfactory to note that a larger number is coming from the British Isles than in former years.

The recent revision of the tariff will, it is believed, meet with the general approval of the trade, removing as it does many inequalities heretofore existing.

One of the most important of the subjects which have engaged your attention is that of the subsidies and allowances to be paid out of the Dominion treasury to the several provinces. I trust that the proposed changes in the imperial legislation respecting which you have adopted an address to His Majesty will, if enacted, go far towards removing the grievances of which the provincial governments have complained as to the insufficiency of their revenues.

The substantial aid now offered towards the establishment of cold storage should stimulate the erection of those necessary adjuncts for the preservation of perishable foods.

I have observed with gratification the passage of an Act having for its object the maintenance of industrial peace in all public utilities. This legislation has already been applied with success. It is confidently expected that when the provisions of the Act for the settlement of industrial disputes are fully understood, both employee and employers will be ready to refer their differences to boards of investigation and conciliation and thus avoid the evils following strikes and lockouts.

The arrangements lately made between the imperial and Canadian postal departments, providing for a substantial reduction on newspapers and periodicals coming from the United Kingdom, have, I am glad to know, been received with much satisfaction as a measure likely to promote a freer communication between the mother country and Canada.

*Gentlemen of the House of Commons* :

I thank you in His Majesty's name for the liberal supplies you have granted for the public service.

*Honourable Gentlemen of the Senate* :

*Gentlemen of the House of Commons* :

In now relieving you from your duties let me express the fervent hope that when we meet again at the next session, an equally prosperous condition will prevail throughout Canada, and in the meantime let us not forget to express gratitude to a kind Providence for the many blessings conferred upon our country.

The Speaker of the Senate then said :

*Honourable Gentlemen of the Senate* :

*Gentlemen of the House of Commons* :

It is His Excellency the Governor General's will and pleasure, that this parliament be prorogued until Saturday, the first day of June next, to be here holden, and this parliament is accordingly prorogued until the first day of June next.

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## PART I—SENATORS

The following abbreviations are used : 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *without remark or debate; Accts., Accounts; Adjn., Adjourn; Adjd., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn., Consideration; Cor., Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry; Man., Manitoba; Mess., Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North-west Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P.O., Post Office; Ques., Question; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m. h., Six Months' Hoist; Withdn., Withdrawn.


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(A) An Act to amend the Naturalization Act (Mr. Scott). Int., 37 ; 1st R., rem., Mr. Scott, 37; 2nd R., consdn. postponed, rem., Mr. Scott, Mr. Lougheed, 42 : consdn. further postponed, rem. Mr. Scott, 77 ; Mr. Lougheed, Mr. Scott, Mr. DeBoucherville, Mr. Cloran, Mr. Landry, 78, 79 ; M. 2nd R. (Mr. Scott), 89 ; in Com., rem., Mr. Davis, Mr. Scott, Mr. Power B. rep. from Com. (Mr. Wood), amts. concurred in, 94 ; 3rd R.*, 94; R.A., 156 ((c. 31).

(B) An Act respecting the Revised Statutes of 1906 and to provide for the French version thereof (Mr. Scott). Int., 38 ; 1st R., rem., Mr. Scott, 38 ; 2nd R., rem., Mr. Scott, 42; Sir M. Bowell, Mr. Scott, 43, 44 ; M. to commit (Mr. Scott), rem., Mr. Power, Mr. Scott, Sir M. Bowell, Mr. Ferguson, 44 ; Mr. Kerr, Mr. MacDonald (P.E.I.), Mr. Scott, 45 ; Sir M. Bowell, Mr. Power, Mr. Scott, 46, 47 ; M. agreed to, 47 ; in Com., on 3rd cl., M. in amt. (Mr. Power), rem., Mr. Scott, amt. agreed to, 54 ; on 10th cl., rem., Mr. Landry, Mr. Ferguson, Mr. Scott, Mr. Cloran, Mr. Casgrain (de Lanaudière), Mr. Béique, 54, 55; Mr. Power, Mr. Lougheed, Mr. Kerr, Mr. Landry, 56, 57 ; Mr. Ferguson, Mr. Power, 58; on 14th cl., rem., Mr. Power, Mr. Scott, Mr. Casgrain (de Lanaudière), 58 ; B. rep. from Com. (Mr. Béique), 59 ; 3rd R., consdn. postponed, rem., Mr. Scott, Mr. Lougheed, Mr. Béique, Mr. DeBoucherville, Mr. Power, Mr. David, Mr. Landry, 76 ; M. 3rd R. (Mr. Scott), 80 ; rem., Mr. DeBoucherville, Mr. Béique, 81 ; Mr. Power, Mr. Béique, Mr. Landry, Mr. Choquette, 82, 83 ; M. in amt. to recommit (Mr. Béique), 84 ; rem., Mr. Landry, Mr. Béique, Mr. Choquette, Mr. Scott, Mr. Lougheed, 84, 85 ; M. agreed to, 85 ; in Com., M. to add cl. (Mr. Landry), 85 ; rem., Mr. Scott, Mr. Ferguson, Mr. Power, Mr. Béique, Mr. Choquette, Mr. Poirier, Mr. David, 86, 87 ; M. declared lost, 87 ; B. rep. from Com. (Mr. Ellis), M. to con-

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(C) An Act to amend the Criminal Code 1892 (Mr. Scott). Int., 38 ; 1st R., rem., Mr. Scott, Mr. Kerr, 38 ; 2nd R., consdn. postponed, rem., Mr. Scott, 54 ; consdn. further postponed, rem., Mr. Scott, 95.

(D) An Act to amend the Act respecting the commercial treaties affecting Canada (Mr. Scott). Int., 38 ; 1st R., rem., Mr. Scott, Mr. Lougheed, Sir M. Bowell, 38, 39 ; 2nd R. rem., Mr. Scott, 79 ; M. 3rd R. (Mr. Scott), rem., Mr. Power, Mr. DeBoucherville, M. agreed to, 80 ; R.A., 156 (c. 49).

(E) An Act respecting a certain treaty between Canada and Japan (Mr. Scott). Int., 39 ; 1st R., rem., Mr. Scott, 39 ; M., 2nd R. (Mr. Scott), 76 ; rem., Mr. DeBoucherville, Mr. Lougheed, Mr. Scott, M. agreed to, 77 ; 3rd R.*, 77 ; R.A. 156 (c. 50).

(F) An Act to amend the Conciliation Act, 1900 (Mr. McMullen). Int., 89 ; 2nd R., consdn. postponed, rem., Mr. McMullen, 95 ; M. 2nd R. (Mr. McMullen), 213 ; rem., Mr. Coffey, 218 ; M. in amt. 6 m. h. (Mr. Coffey), 220 ; Mr. David, Mr. Ellis, 221 ; Mr. Cloran, 223; Mr. Bernier, 226; Mr. DeVeber, 227 ; Mr. Gibson, 504 ; Mr. McHugh, 509; Mr. McMullen, 511: Mr. Watson, Mr. Jaffray, 514; Amt. agreed to on div. (c. 29 ; n.c. 15), B. thrown out, 515.

(G) An Act to amend the Petroleum Bounty Act, 1904 (Sir R. Cartwright). Int., 103; 2nd R., consdn. postponed, rem., Mr. Scott, Mr. Lougheed, 110; M., 2nd R. (Sir R. Cartwright), M. agreed to, 146 ; in Com., rem., Sir R.Cartwright 185; Mr. Lougheed, Sir M. Bowell, Mr. Wilson, 186-188; B. rep. from Com. (Mr. Roy), 188; 3rd R., 190; Commons amts. concurred in, rem., Mr. Scott, Sir M. Bowell, 516; R.A., 550 (c. 33).

(H) An Act respecting the Quebec, Montreal and Southern Railway Co. (Mr. Béique). Int., 103; 2nd R., 209; 3rd R*, 444.

(I) An Act to incorporate the Canadian Mutual and Dramatic Association, Limited (Mr. Casgrain, de Lanaudière). Int., 111 · 2nd R., 146; M. to concur in amts. (Mr. Casgrain), 366; rem., Mr. Scott, 367; M. in amt. (Mr. Power), 369; rem., Mr. Landry, 370; amt. agreed to, 371 ; B. withdrawn, 571.

(J) An Act to incorporate the St. Joseph Transportation Co. (Mr. Choquette). Int., 111; 1st R.*, 111; 2nd R., 146; B. withdrawn, 264.

(K) An Act to incorporate the Stratford and St. Joseph Radial Railroad Company (Mr. Choquette). Int., 111; 2nd R., 147; B. rejected, 265.

(L) An Act respecting the Traders Fire Insurance Company (Mr. McSweeney), Int., 111; 2nd R., 147; 3rd R.*, 354; R. A., 1011 (c. 138).

(M) An Act to amend the Railway Act 1903 (Mr. Davis). Int., 145; B. dropped, 558.

(N) An Act to amalgamate the Jordan Light, Heat and Power Company and the Ontario Development Company, Limited, into one Corporation under the name of the Jordan Erie Power Company (Mr. Gibson). Int., 146; 2nd R. postponed, 168; 2nd R., 188; 3rd R., postponed, 299; 3rd R., 316; R. A., 1012 (c. 98).

(O) An Act to incorporate the United Baptist's Women Missionary Union of the Maritime Provinces (Mr. Baird). Int., 188; 2nd R.*, 212; 3rd R.*, 349; R. A., 722 (c. 140).

(P) An Act respecting the Inspection of Electricity (Mr. Scott). Int., 190; 2nd R. postponed. 242; 2nd R., 291; in Com., 349-352; 362; B. rep. from Com. with amts. concurred in (Mr. Sullivan), 363; 3rd R.*, 399; Commons amts. concurred in, 887; R. A., 1011 (c. 14).

(Q) An Act respecting the Calgary and Edmonton Railway (Mr. Roy). Int., 209 2nd R.*, 229; 3rd R.*, 366; R. A., 550 (c. 69).

(R) An Act to incorporate the Bonaventure and Gaspé Telephone Company. Limited (Mr. Fiset). M. 2nd R. (Mr. Power), rem., Mr. Landry, Mr. Scott, Mr. Wilson, 239; Sir M. Bowell, 240; Mr. Cloran, Mr. Casgrain (de la Lanaudière), 241; M. agreed to, 242; 3rd R. postponed, 404; 3rd R.*, 444; R. A., 723 (c. 64).

(S) An Act respecting the Accident and Guarantee Company of Canada and to change its name to The Royal Accident and Guarantee Company of Canada (Mr. David). Int., 210; 2nd R.*, 242; 3rd R.*, 349 ; R. A., 1011 (c. 135).

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(T) An Act to amend the Militia Act as regards the calling out of the Active Militia in aid of the Civil Power (Mr. David). Int., 210; M. 2nd R. (Mr. David), 337; rem., Mr. Power, 341; Mr. Scott, 342; Mr. Sullivan, Mr. Cloran, 343; Mr. Béique, 346; Mr. McMullen, 360; Mr. David, B. dropped, 362.

(U) An Act to revive certain patents of the Nichols Copper Company (Mr. Watson). Int., 210; 2nd R. postponed, 242; M. 2nd R. (Mr. Kerr), 326. rem., Sir M. Bowell, Mr. Jones, 327; M. agreed to, 329; 3rd R.*, 420; R.A., 722 (c. 111).

(V) An Act respecting the Temiscouata Railway Company (Mr. Tessier). Int., 229; 2nd R.*, 242; Amts. concurred in, 337; 3rd R.*, 349; R.A., 550 (c. 137).

(W) An Act to incorporate the Travellers' Indemnity Company of Canada (Mr. Edwards). Int., 237; 2nd R.*, 285; 3rd R.*, 420; R.A., 722 (c. 139).

(X) An Act to incorporate the Rock Life Assurance Company of Canada (Mr. Perley). Int., 275; 2nd R.*, 301. 3rd R.*, 564; Commons amts. concurred in, rem., Sir M. Bowell, 831, 832; R.A., 1011 (c. 125).

(Y) An Act respecting the Medway and Vernon Railway Company (Mr. Bostock). Int., 275; 2nd R.*, 301; 3rd R.*, 444; R.A., 723 (c. 108).

(Z) An Act to incorporate the St. Léon Railway Company (Mr. Legris). Int., 275; 2nd R.*, 337; 3rd R.*, 524; R.A., 1011 (c. 128).

(AA) An Act to incorporate the Ottawa Life Assurance Company (Mr. Kerr). Int., 275; 2nd R.*, 302; 3rd R.*, 420; Commons amts. concurred in, rem., Sir M. Bowell, Mr. Power, 809; R.A., 1011 (c. 116).

(BB) An Act respecting the British American Assurance Company (Mr. Jaffray). Int., 275; 2nd R.*, 302; 3rd R.*, 405. R.A., 722 (c. 65).

(CC) An Act for the relief of Osprey George Valentine Spain (Mr. Watson). Int., 289; 2nd R., 302; 3rd R., rem., Mr. Wilson, 316; R.A., 722 (c. 134).

(DD) An Act respecting the Alberta Central Railway Company (Mr. Talbot). Int., 289; 2nd R.*, 312; 3rd R.*, 444; R.A., 723 (c. 56).

(EE) An Act to incorporate the Winnipeg and Northwestern Railway Co. (Mr. Ross, Middlessex). Int., 298; 2nd R.*, 336; 3rd R.*, 462; R.A., 1011 (c. 141).

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(FF) An Act respecting the Algoma Central and Hudson Bay Railway Co. (Mr. Ross, Middlesex). Int., 298; 2nd R.*, 337; 3rd R.*, 462; R.A. 1011 (c. 57).

(GG) An Act respecting the St. Mary Bridge Company (Mr. Ross Middlesex). Int., 298; 2nd R.*, 337; 3rd R.*, 462; R.A., 1011 (c.129).

(HH) An Act respecting the Lake Superior Power Company (Mr. Ross, Middlesex). Int., 298; 2nd R.*, 337; 3rd R.*, 444; R.A., 722 (c. 100).

(II) An Act respecting the Manitoulin and North Shore Railway Company (Mr. Ross, Middlesex). Int., 298; 2nd R.*, 337; 3rd R.*, 462; R.A., 1011 (c. 106).

(JJ) An Act respecting the Ontario, Hudson Bay and Western Railways Co. (Mr. Ross, Middlesex). Int., 298; 2nd R.*, 337; 3rd R.*, 462; R.A., 1011 (c. 114).

(KK) An Act to incorporate the Abitibi and Hudson Bay Railway Co. (Mr. Young). Int., 349; 2nd R.*, 371; B. rep. from Com. (Mr. Casgrain), amts. concurred in, 517; 3rd R.*, 548; R.A., 1011 (c. 55).

(LL) An Act respecting the Canadian Northern Railway (Mr. Young). Int., 349; 2nd R.*, 371; 3rd R.*, 548; Commons amts. concurred in, rem., Mr. Ferguson, Mr. Watson, Mr. Kerr, Mr. Young, 995; R.A., 1011 (c. 71).

(MM) An Act respecting the Hamilton Radial Electric Company (Mr. Gibson). Int., 349; 2nd R.*, 371; M. 3rd R. (Mr. Young), M. in amt. (Mr. Kerr), 580; rem., Mr. Scott, Mr. Lougheed, Mr. Sullivan, 581; M. withdrawn, 582; M. 3rd R. (Mr. Young), 641; M. in amt. (Mr. Kerr), rem., Mr. Power, 642; Mr. Kerr, 643; amt. agreed to, M. 3rd R. agreed to, 644.

(NN) An Act for the relief of George William Hadley (Mr. Perley). Int., 356; 2nd R.*, 406; M. 3rd R. (Mr. Perley), M. in amt. (Mr. Landry), 433; rem., Mr. Wilson, Mr. Watson, Mr. Bostock, amt. lost on div., M. agreed to, 434; R.A., 722 (c. 93).

(OO) An Act to incorporate the Collingwood and Southern Railway Company (Mr. McMullen). Int., 356; 2nd R., 406; 3rd R., 557; R.A., 1011 (c. 77).

(PP) An Act to incorporate the General Animals Insurance Company of Canada, Ltd. (Mr. David). Int., 356; 2nd R.*, 399; 3rd R.*, 564; R.A., 1011 (c. 87).

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(QQ) An Act for the relief of Celina Kingan Ansley (Mr. McMullen). Int., 358 ; 2nd R.*, 420 ; 3rd R.*, 444 ; R.A., 722 (c. 60).

(RR) An Act respecting the City of Toronto Yonge Street Bridge (Mr. Kerr). Int., 377 ; 2nd R., 400 ; B. dropped, 499.

(SS An Act to amend an Act respecting the Canadian Assessment Policy-holders in the Mutual Reserve Life Insurance Company (Mr. Domville). Int., 377; 2nd R. postponed, 472 ; 2nd R., 557.

(TT) An Act to incorporate the Ottawa Terminals Railway Company (Mr. Edwards). Int., 377 ; 2nd R.*, 420 ; M. to concur in amts. (Mr. Casgrain). Further amt. (Mr. Young), amt. carried, M. agreed to, 3rd R.*, 564 ; R.A., 1011 (c. 117).

(UU) An Act to amend the Gold and Silver Marking Act (Mr. Gibson). Int., 410; 2nd R.*, 462 ; in Com., rem., Mr. Lougheed, Mr. Gibson, 482 ; Mr. Scott, 486 ; Mr. Power, 487 ; Mr. Ferguson, 488; Mr. Lougheed, Mr. Gibson, Mr. Scott, 489, 490 ; Mr. Scott, 489, 490; Mr. Scott, Mr. Kerr, 491 ; Mr. Ferguson, Mr. Lougheed, 492, 493; Mr. Jones, Mr. Sullivan, 494, 495; Mr. Power, Mr. Gibson, 497; 1st cl. adopted B. rep. from Com. (Mr. Baird), 498 ; M 3rd R. (Mr. Gibson), rem., Mr. Lougheed, Mr. Scott, 501 ; Mr. Gibson, Mr. Sullivan, Mr. Ferguson, 503, Sir M. Bowell, M. agreed to on div. 504 ; Commons amts. concurred in, Mr. Gibson, Mr. Power, Mr. Lougheed. Mr. Ferguson, 809, 810 ; R.A., 1011 (c. 17).

(VV) An Act to incorporate the International Canal and Power Company (Mr. Young). Int., 410; 2nd R.*, 462.

(WW) An Act to incorporate the Port Arthur Power and Development Co. (Mr. Kerr). Int., 410 ; 2nd R., 462 ; M. to concur in amts. (Mr. Ellis), rem., Sir M. Bowell, 765 ; Mr. Lougheed, 767; Mr. Young, 768 ; Mr. Ferguson, Mr. McDonald (B.C.), Mr. McMullen, Mr. Landry, 769-771 ; Mr. Watson, 775 ; M. agreed to, 777 ; M. 3rd R. (Mr. Ellis), rem., Sir M. Bowell, 783; M. agreed to, 785.

(XX) An Act respecting a certain patent of Philp J. Green, Melvin Hunt and John McMurrich (Mr. Kerr). Int., 423 ; 2nd R.*, 445 ; 3rd R.*, 571 ; R.A., 1011 (c. 92).

(YY) An Act respecting the Erie Ontario Power Company (Mr. Power). Int., 424 ; 2nd R.*, 548 ; 3rd R., 783.

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(ZZ) An Act respecting the Standard (Fidelity) Life Insurance Co. (Mr. Power). Int., 425 ; 2nd R., 517 ; 3rd R.*, 714 ; R.A., 1011 (c. 86).

(AAA) An Act to amend the Inspection and Sale Act (Sir R. Cartwright). Int., 443 ; 2nd R., 524 ; in Com., 559-561 ; 675-679 ; B. rep. from Com. (Mr. Bernier), 679 ; M. 3rd R. (Sir R. Cartwright), 700 ; rem., Mr. Lougheed, Sir M. Bowell, Mr. Forget, M. 3rd R. as amended agreed to, 701; R.A. 1011 (c. 21).

(BBB) An Act to amend the Civil Service Act (Mr. Scott). Int., 445 ; 2nd R., 515 ; in Com., 582-584 ; B. rep. from Com. (Mr. Young), 584 ; 3rd R., 611.

(CCC) An Act for the relief of Victor Harold Lyon (Mr. Davis). Int., 469 ; 2nd R.*, 548 ; 3rd R.*, 557 ; R.A., 1011 (c. 102).

(DDD) An Act to incorporate the Prudential Life Insurance Company of Canada (Mr. Mitchell). Int., 548 ; 1st and 2nd R., 548; 3rd R.*, 682 ; R.A., 1011 (c. 120).

(EEE) An Act for the relief of Arthur Leon McPherson (Mr. Perley). Int., 551 ; 2nd R., 612 ; 3rd R.*, 644 ; R.A., 1011 (c. 107).

(FFF) An Act respecting juvenile delinquents (Mr. Scott). Int., 556; 2nd R. postponed, 644, 764; M. 2nd R. (Mr. Scott), 804; Mr. Cloran, 808 ; Mr. Lougheed, 820 ; Mr. Power, 826; Mr. Sullivan, 828; Mr. Sullivan, 876; Mr. DeBoucherville, 879; Mr. Ellis, 887; Mr. Béique, 891; Mr. Cloran, 892; Mr. Ross (Middlesex), 896; M. 2nd R. agreed to, 902.

(3) An Act to amend the Railway Act, 1903 (Mr. Perley). Int., 102; 2nd R., 472; in Com., 533, 548, 582, B. rep. from Com. (Mr. Young), 582; 3rd R.*, 667; R.A., 1011 (c. 37).

(4) An Act in further amendment of the Railway Act, 1903 (Mr. Perley). Int., 102; M. 2nd R. (Mr. Perley), 472; rem., Mr. Baker, Mr. Davis, Mr. Ferguson, Mr. Cloran, 473; Mr. Wood, Mr. Domville, 474; Mr. Jones, Mr. Lougheed, 475; Mr. Watson, 477; Mr. Ross (Middlesex), 478; Mr. Ferguson, 479; Mr. Sullivan, 480; Mr. Wilson, Mr. Perley, M. agreed to, 481; B. referred to Railway Com., 482; M. to concur in amts. (Mr. Gibson), 799; rem., Mr. Landry, Mr. Power, Sir M. Bowell, 800; M. in amt. (Mr. Ferguson), 801; rem., Mr. Wilson, amt. rejected on div. (c. 23; n.c. 25) 801; rem., Mr. Davis, 836; Mr. Perley, 839; Mr. McMullen, 840; Mr. Ferguson, 841; Mr. Béique,

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843; Mr. Ross (Halifax), 844; Mr. Landry, 845; Mr. Speaker, 846: M. in amt. (Mr. Kerr), 848; rem., Sir M. Bowell, Mr. Wood, 848; Mr. Cloran 850; Mr. Ross (Middlesex), 851; Mr. Sullivan, 853; amt. rejected on div. (c. 17; n.c. 26), 854; M. (Mr. Gibson agreed to, 854.

(8) An Act respecting patents of William A. Damen (Mr. Lougheed). Int., 109; 2nd R., 146; M. 3rd R. (Mr. Lougheed; M. in amt. (Mr. Landry), 180; rem., Mr. Lougheed, 181; Mr. Kerr, Mr. Landry, 183; Mr. Béique, 184; amt. declared lost, M. agreed to, 185; R. A., 229 (c. 80).

(9) An Act respecting a patent of Edgar Webster Summers and Hadley Herbert Summers (Mr. Coffey). Int., 109; 2nd R., 146; 3rd R.*, 360; R. A., 550 (c. 136).

(10) An Act respecting a patent of the George E. Smith Lumber Co. (Mr. Mitchell). Int., 109; 2nd R., 146; 3rd R.*, 420; R. A., 550 (c. 133).

(11) An Act to incorporate the Saskatchewan Valley and Hudson Bay Railway Company (Mr. Roy). Int., 209; 2nd R.*, 242; 3rd R.*, 336; R. A., 549 (c. 132).

(12) An Act to incorporate the Malone and Hopkins Point Railway Co. (Mr. Cloran). Int., 168; 2nd R. postponed, 213; 2nd R.*, 254; 3rd R. postponed, 399; 3rd R.*, 444; R. A., 550 (c. 103).

(13) An Act respecting La Compagnie du chemin de fer de Colonisation du Nord (Mr. Thibaudeau, de la Vallière). Int., 236; 2nd R.*, 281; 3rd R.*, 336; R. A., 549 (c. 78).

(14) An Act respecting the Georgian Bay and Seaboard Railway Co. (Mr. McMullen). Int., 109; 2nd R., 169; 2nd R. postponed, 190; 3rd R.*, 277; R. A., 549 (c. 88).

(15) An Act respecting the Joliette and Brandon Railway Company (Mr. Thibaudeau, de la Vallière). Int., 316; 2nd R.*, 355; 3rd R.*, 444; R. A., 550 (c. 97).

(20) An Act to encourage the Establishment of Cold Storage Warehouses for the preservation of perishable Food Products (Mr. Scott). Int., 209; 2nd R., 242; in Com., 292-296; B. rep. from Com. (Mr. Ellis), 296; 3rd R.*, 299; R. A., 549 (c. 6).

(24) An Act respecting the Orford Mountain Railway Company (Mr. Mitchell). Int., 236; 2nd R.*, 281; 3rd R.*, 336; R.A., 549 (c. 115).

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(25) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company (Mr. Ross, Moosejaw). Int., 274; 2nd R.*, 296; 3rd R.*, 336; R.A., 549 (c. 121).

(27) An Act respecting the Banque Nationale (Mr. Bolduc). Int., 356. 2nd R.*, 399; 3rd R.*, 469; R.A., 722 (c. 110).

(28) An Act to incorporate the Residential Fire Insurance Company (Mr. Sullivan). Int., 316; 2nd R.*, 355; 3rd R.*, 462; R.A., 550 (c. 124).

(29) An Act to incorporate the National Accident and Guarantee Company of Canada (Mr. Coffey). Int., 236; 2nd R.*, 281; 3rd R.*, 349; R.A., 550 (c. 109).

(30) An Act to incorporate the Woman's Art Association of Canada (Mr. Kerr). Int., 209; 2nd R.*, 229; 3rd R.*, 354; R.A., 550 (c. 142).

(31) An Act to incorporate the Northwest Trust and Loan Company (Mr. Lougheed). Int., 356; 2nd R.*, 399; 3rd R.*, 462; R.A., 550 (c. 113).

(33) An Act respecting the Inspection of Meats and Canned Goods (Sir R. Cartwright). Int., 209; M. 2nd R. (Sir R. Cartwright), 243. rem., Mr. Sullivan, Mr. Robertson, Mr. Power, 245; Mr. MacDonald (P.E.I.), Mr. Ross (Halifax), 246; Mr. Ferguson, 247; Mr. Gibson, 248; Mr. Bernier, Mr. Lougheed, Mr. Bostock, 249, 250; M. agreed to, 250; in Com., 371-377, 463; B. rep. from Com. (Mr. Bostock), Amts. concurred in, 464; 3rd R. postponed, 470; M. 3rd R. (Sir R. Cartwright), rem., Mr. Sullivan, 522; Sir R. Cartwright, Mr. Ferguson, 523; Mr. Cloran, M. agreed to, 524; R.A., 1011 (c. 27).

(36) An Act to aid in the prevention and settlement of strikes and lock-outs in mines and industries connected with public utilities (Mr. Scott). Int., 1st R., 500; M. 2nd R. (Mr. Scott), 526; rem., Sir M. Bowell, 528; Mr. Cloran, 529; Mr. Ferguson, 530; Mr. Power, Mr. McMullen, 532; M. agreed to, 533; in Com., 533, 546; B. rep. from Com. (Mr. Young), 546; 3rd R.*, 546; R.A., 550 (c. 20).

(37) An Act respecting the Royal Victoria Life Insurance Company (Mr. Forget). Int., 236; 2nd R.*, 281; B. rep. from Com. (Sir G. Drummond), 330; 3rd R. postponed, 359; M. 3rd R. (Mr. Kerr), rem., Mr. McHugh, Sir M. Bowell, Sir R. Cartwright, M. agreed to, 404; R.A., 550 (c. 126).

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(38) An Act respecting the Klondike Mines Railway Company (Mr. Ross, Moosejaw). Int., 36; 2nd R.*, 281; 3rd R.*, 462; R.A., 723 (c. 99).

(39) An Act respecting the Brockville, Westport and Northwestern Railway Company (Mr. Watson). Int., 209. 2nd R.*, 250; 3rd R.*, 336; R.A., 549 (c. 67).

(40) An Act respecting the Indian River Railway Company (Mr. Roy). Int., 180; 2nd R., 209; 3rd R.*, 277; R.A., 549 (c. 95).

(41) An Act respecting the Manitoba and Northwestern Railway Company of Canada (Mr. Douglas). Int., 168; 2nd R.*, 212; 3rd R.*, 336; R.A., 549 (c. 104).

(42) An Act to incorporate the Eastern Townships Railway Company (Mr. Mitchell). Int., 168; 2nd R. postponed, 213; 2nd R.*, 254; 3rd R.*, 444; R.A., 550 (c. 84).

(43) An Act respecting the Dominion Central Railway Company (Mr. Frost). Int., 168; 2nd R.*, 228; 3rd R.*, 277; R.A., 549 (c. 81).

(44) An Act respecting the Canada Central Atlantic Railway Company (Mr. Kerr). Int., 168; 2nd R., 209; 3rd R.*, 228; R.A., 549 (c. 70).

(45) An Act respecting the Athabaska Railway Company (Mr. Talbot). Int., 209; 2nd R.*, 250; 3rd R.*, 336; R.A., 549 (c. 61).

(46) An Act to incorporate the Manitoba Radial Railway Company (Mr. Young). Int., 316; M. 2nd R. (Mr. Young), rem., Mr. Davis, Mr. Wilson, 355; Mr. Ferguson, M. agreed to, 356; 3rd R.*, 462; R.A., 1011 (c. 105).

(47) An Act respecting the London and St. Clair Railway Company (Mr. Coffey). Int., 168; 3rd R.*, 238; R.A., 549 (c. 101).

(48) An Act respecting the Canadian Northern Quebec Railway Company (Mr. Choquette). Int., 209; 2nd R.*, 285; 3rd R.*, 580; R.A., 723 (c. 73).

(49) An Act respecting the Central Counties Railway Company (Mr. Edwards). Int., 236; 2nd R.*, 281; 3rd R.*, 336; R.A., 549 (c. 76).

(50) An Act to amend an Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal (Mr. Scott). Int., 209; 2nd R., 250; in Com., rem., Mr. Lougheed, Mr. Scott, 300; Sir M. Bowell, 301; Com. postponed, 363; in Com., 407-410; B. rep. from Com. (Mr. Wilson), 410; 3rd R., 441; R.A., 550 (c. 18).

(51) An Act to readjust the representation of the provinces of Alberta and Saskatchewan in the House of Commons and to amend the Representation Act (Sir R. Cartwright). Int., 802; 2nd R., 820; in Com., B. rep. from Com. (Mr. Bernier), 860; 3rd R.*, 860; R.A., 1011 (c. 41).

(52) An Act to confirm certain agreements between the British Columbia Electric Railway Company, Ltd., the Canadian Pacific Railway Company, Lord Strathcona and Mount Royal and Richard B. Angus, and between the Canadian Pacific Railway Company, the British Columbia Electric Railway Company, Ltd., the Vancouver and Lulu Island Railway Company, Lord Strathcona and Mount Royal and Richard B. Angus (Mr. Lougheed). Int., 236; 2nd R., 281; 3rd R.*, 336; R.A., 549 (c. 66).

(53) An Act respecting the Dominion Fire Insurance Company (Mr. Davis). Int., 237; 2nd R.*, 281; 3rd R.*, 349; R.A., 550 (c. 82).

(54) An Act to incorporate the Edmonton, Dunvegan and British Columbia Railway Company (Mr. Bostock). Int., 316; 2nd R.*, 353; 3rd R.*, 444; R.A., 550 (c. 85).

(55) An Act respecting the Huron and Ontario Railway Company (Mr. Frost). Int., 209; M., 2nd R., rem., Mr. Wilson, 250; Mr. Macdonald (P.E.I.), Mr. Power, Mr. Gibson, M. agreed to, 253; M. 3rd R. (Mr. Young), rem., Mr. Landry, Sir M. Bowell, 391; Mr. Young, 392; Mr. Scott, 393; Mr. Ross (Middlesex), 395; Mr. Power, 396; Mr. Kerr, 398; Mr. Scott, 443; Mr. Kerr, Mr. Landry, M. agreed to on div., 444; R.A., 550 (c. 94).

(56) An Act to incorporate the Quinze and Blanche River Railway Company (Mr. Watson). Int., 274; 2nd R.*, 296; 3rd R.*, 349; R.A., 550 (c. 123).

(57) An Act respecting the St. Mary's and Western Ontario Railway Company (Mr. McMullen). Int., 209; 2nd R.*, 254; 3rd R.*, 336; R.A., 549 (c. 130).

(58) An Act to incorporate the Western Rivers Improvement Co. (Mr. Watson). Int., 316; M. 2nd R. (Mr. Power), rem., Sir M.

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(59) An Act respecting the surveys of the Public Lands of the Dominion and the Surveyors entitled to make such surveys (Mr. Scott). Int., 316; 2nd R., 354; in Com., 420-423; B. rep. from Com. (Mr. Thibaudeau), 423; 3rd R.*, 434; R. A., 550 (c. 12).

(60) An Act to regulate the exportation of electric power and certain liquids and gases (Mr. Scott). M. 2nd R. (Mr. Scott), 561; rem., Sir M. Bowell, 562; Mr. McMullen, 563; M. agreed to, 563; in Com., 613-619; B. rep. from Com. (Mr. McDonald, B.C.), 619; 3rd R.*, 644; R. A., 1011 (c. 16).

(63) An Act to incorporate the Protective Association of Canada (Mr. Mitchell). Int., 356; 2nd R.*, 399; 3rd R.*, 682; R. A., 723 (c. 118).

(64) An Act to incorporate the Alsek and Yukon Railway Co. (Mr. Ross, Moosejaw). Int., 237; 2nd R.*, 281; 3rd R.*, 336; R. A., 549 (c. 58).

(65) An Act respecting the Annuity Company of Canada (Mr. Young). Int., 237; 2nd R., 281; 3rd R.*, 349; R. A., 550 (c. 59).

(68) An Act to establish the Intercolonial and Prince Edward Island Railways Employees' Provident Fund (Sir R. Cartwright). Int., 237; M. 2nd R. (Sir R. Cartwright), 282; rem., Sir M. Bowell, Mr. McMullen, 283; Mr. Ferguson, M. agreed to, 285; in Com., 317-326; 407; B. rep. from Com. with amts. concurred in (Mr. McKay), 407; 3rd R.*, 433; R. A., 550 (c. 22).

(69) An Act respecting the Quebec Oriental Railway Company (Mr. Tessier). Int., 501; 2nd R.*, 548; 3rd R.*, 701; R. A., 1011 (c. 122).

(71) An Act to incorporate the Burrard, Westminster Boundary Railway and Navigation Co. (Mr. Riley). Int., 316; 2nd R.*, 355; 3rd R.*, 462; R. A., 723 (c. 68).

(72) An Act respecting the Canadian Northern Ontario Railway Company (Mr. Jones). Int., 498; 2nd R.*, 525; 3rd R.*, 644; R. A., 1011 (c. 72).

(73) An Act respecting Patents of the International Paper Company (Mr. Watson). Int., 356; 2nd R.*, 400; 3rd R.*, 557; R. A., 723 (c. 96).

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(74) An Act respecting the Athabaska and Northern Railway Co. (Mr. Davis). Int., 237; 2nd R.*, 285; 3rd R.*, 336; R. A., 549 (c. 62).

(75) An Act to amend the Railway Act (Mr. Scott). Int., 1st R., 910; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 924; Mr. McMullen, Mr. Power, Mr. Béique, 925; Mr. Kerr, 926; Mr. Landry, 927; M. 2nd R. agreed to, 928; in Com., 943-952; 955, 956; B. rep. from Com. (Mr. Watson), 956; R. A., 1012 (c. 38).

(76) An Act to amend the Northwest Territories Act (Sir R. Cartwright). Int., 209; 2nd R., 275; in Com., 405; B. rep. from Com., (Mr. Roy), 406; 3rd R.*, 420; R. A., 550 (c. 32).

(78) An Act respecting the Canadian Pacific Railway Co. (Mr. Young). Int., 316; 2nd R.*, 355; 3rd R.*, 444; R. A., 550 (c. 74).

(79) An Act respecting the Great West Railway Company (Mr. De Veber). Int., 315; 2nd R., 352; 3rd R.* 444; R.A., 550 (c. 91).

(80) An Act to incorporate the Prudential Savings Society (Mr. Watson). Int., 316; 2nd R.*, 353; 3rd R.*, 405; R.A., 550 (c. 119).

(81) An Act to incorporate the Central Canada Manufacturers Mutual Fire Insurance Co. (Mr. Gibson). Int., 461; 2nd R.*, 515, 3rd R.*, 717; R.A., 1011 (c. 75).

(82) An Act respecting the Grand Trunk Railway Company of Canada (Mr. Gibson). Int., 498; M. 2nd R. (Mr. Gibson), rem., Mr. Ferguson, Mr. Power, M. agreed to, 525, 526; M. 3rd R. (Mr. Gibson), M. in amt. (Mr. Ferguson), 594; rem., Mr. Power, 604; Mr. Cloran, 605; Mr. Casgrain, 608; Mr. Kerr, 609; Mr. Poirier, 610; Mr. Ross (Halifax), 611; Sir M. Bowell, 623; Mr. Ross (Midlesex), 627; Mr. Lougheed, 629; Mr. Speaker, Mr. Power, 632; Mr. Sullivan, 632; Mr. McMullen, 635; M. in amt. to amt. (Mr. Bernier), 636; Mr. Ferguson, 636; subamt. lost on div. (c. 18; n.c. 37), amt. lost on same div., M. 3rd R. agreed to, 641; R.A. 723 (c. 89).

(85) An Act to amend the Criminal Code (Mr. Scott). 2nd R., 285; 3rd R.*, 296; R.A., 549 (c. 7).

(86) An Act respecting the National Transcontinental Railway Co. (Mr. Scott). Int., 209; 2nd R., 254; in Com., B. rep. from Com. (Mr. Ellis), 285; 3rd R.*, 298; R.A., 549 (c. 48).

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(87) An Act respecting the Crawford Bay and St. Mary's Railway Company (Mr. De Veber). Int., 418 ; 2nd R.*, 445 ; 3rd R.*, 557 ; R.A., 723 (c. 79).

(88) An Act to incorporate the Ontario and Quebec Railway Ferry Company (Mr. Young). Int., 498 ; 2nd R.*, 526 ; 3rd R.*, 571 ; R. A., 723 (c. 127).

(90) An Act respecting the Atlantic, Quebec and Western Company (Mr. Fiset). Int., 1st and 2nd R., 557 ; 3rd R.*, 717 ; R.A., 1011 (c. 63).

(91) An Act respecting the St. Maurice Valley Railway Company (Mr. Legris). Int., 498 ; 2nd R.*, 526 ; 3rd R.*, 593 ; R.A. 723 (c. 131).

(92) An Act respecting the Grand Valley Railway Company (Mr. Coffey. Int., 418; 2nd R.*, 445 ; 3rd R.*, 557 ; R.A., 723 (c. 90).

(93) An Act to incorporate the Eastern Canadian Manufacturers Mutual Fire Insurance Co. (Mr. Gibson). Int., 556 ; 2nd R.*, 612 ; 3rd R.*, 717 ; R.A., 1011 (c. 83).

(94) An Act to incorporate the Nipissing Central Railway Company (Mr. MacKeen) Int., 418 ; 2nd R.*, 445 ; 3rd R.*, 580 ; R. A., 723 (c. 112).

(96) An Act granting to His Majesty a certain sum of money for the Public Service for the financial period ending March 31st 1907 (Mr. Scott). 1st, 2nd, and 3rd R.*, 229 ; R. A., 229 (c. 1).

(102) An Act to ratify an agreement between the Government of Canada and the Government of British Columbia respecting the Western boundary of the Railway Belt (Mr. Scott). Int., 461 ; M. 2nd R. (Mr. Scott), 470 ; rem., Mr. Lougheed, Mr. DeBoucherville, Mr. Ferguson, 471 ; Mr. Power, M. agreed to, 472 ; in Com., B. rep. from Com. (Mr. Young), 516 ; 3rd R.*, 524 ; R.A., 550 (c. 39).

(108) An Act to amend the Canada Shipping Act (Sir R. Cartwright). Int., 461 ; 2nd R., 525 ; in Com., B. rep. from Com. (Mr. Owens), 561 ; 3rd R.*, 580 ; R.A., 723 (c. 46).

(109) An Act to amend the Yukon Act (Mr. Scott). Int., 1st R., 584 ; M. 2nd R. (Mr. Scott), rem., Mr. McDonald (B.C.), 654; Mr. Ferguson, Mr. Lougheed, 655. M. agreed to, 656; in Com., B. rep. from Com. (Mr. Jaffray), 679; 3rd R.*, 701; R.A., 723 (c. 53).

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(113) An Act to amend the Post Office Act (Mr. Scott). Int., 832 ; 2nd R., 870 ; in Com., B. rep. from Com. (Mr. Cloran), 886; 3rd R.*, 905; R.A., 1012 (c. 34).

(114) An Act to authorize the exchange of certain lands (Mr. Scott). Int., 557; 2nd R., 612; in Com., B. rep. from Com. (Mr. Gibson), 658 ; 3rd R.*, 667 ; R.A., 723 (c. 26).

(116) An Act to amend the Interpretation Act (Mr. Scott). Int., 501 ; 2nd and 3rd R., 548 ; R.A., 722 (c. 23).

(127) An Act to amend the Adulteration Act (Sir R. Cartwright). Int., 681 ; 2nd R., 808 ; in Com., B. rep. from Com. (Mr. Ellis), 831 ; 3rd R.*, 836 ; R.A., 1011 (c. 4).

(128) An Act respecting the Winnipeg Terminals of the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company (Mr. Scott). Int., 681; 2nd R., 723 ; in Com., B. rep. from Com. (Mr. Coffey), 756 ; 3rd R.*, 764 ; R.A., 1011 (c. 52).

(134) An Act respecting duties of Customs (Mr. Scott). Int., 585 ; 2nd R.*, 658; 3rd R. postponed, rem., Mr. Lougheed, Sir M. Bowell, Mr. Scott, 668 ; M. 3rd R. (Mr. Scott), 682 ; rem., Sir M. Bowell, 683 ; Mr. Gibson, 687 ; Mr. Scott, 691 ; Mr. Lougheed, Mr. McMullen, 692 ; Mr. Wilson, Sir M. Bowell, Mr. Power, 694 ; Sir R. Cartwright, 695 ; Mr. Ellis, 698 ; M. 3rd R. agreed to, 700 ; R.A., 723 (c. 11).

(135) An Act to amend the Yukon Placer Mining Act (Sir R. Cartwright). Int., 556 ; 2nd R., 674 ; in Com., 748-753 ; in Com., B. rep. from Com. (Mr. McKay), 831 ; 3rd R.*, 836 ; R.A., 1011 (c. 54).

(136) An Act to amend the provisions of the Criminal Code in respect of the preservation of the peace in the vicinity of Public Works (Mr. Scott). Int., 870 ; 2nd R., 886, 887 ; in Com., 908, 909, 922; B. rep. from Com. (Mr. Cox), 923 ; 3rd R.*, 923 ; R.A., 1011 (c. 9).

(139) An Act to create a Department of Mines (Mr. Scott). Int., 883; M. 2nd R. (Mr. Scott), 905 ; rem., Mr. Lougheed, 906 ; Sir M. Bowell, Mr. Ferguson, 907 ; Mr. Scott, M. agreed to, 908 ; in Com., 913-922 ; B. rep. from Com. (Mr. Landry), with amts. concurred in, 922 ; 3rd R.*, 922 ; R.A., 1012 (c. 29).

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(141) An Act for granting to His Majesty certain sums of money for the Public Service for the financial year ending the 31st March, 1908 (Mr. Scott). Int., 1st R., 557 ; 2nd R., 612 ; 3rd R.*, 622 ; R.A., (c. 2).

(142) An Act for granting to His Majesty certain sums of money for the Public Service for the period of nine months ending March 31, 1907, and the financial year ending March 31, 1908 (Mr. Scott). Int., 1st R., 2nd R.*, 3rd R., rem. (Mr. Landry), 1010 ; R.A., 1012 (c. 3).

(143) An Act to amend the Immigration Act (Mr. Scott). Int., 1st R., 585 ; M. 2nd R. (Mr. Scott), rem., Mr. Ellis, 656 ; Mr. Ferguson, 657 ; M. agreed to, 658 ; in Com., 718-722, 724-736, 757, 758; B. rep. from Com. (Mr. Young), 758 ; 3rd R.*, 764 ; R.A., 1011 (c. 19).

(144) An Act to amend the Militia Pension Act (Mr. Scott). Int., 556 ; M. 2nd R. (Mr. Scott), 674 ; rem., Mr. Lougheed, Sir R. Cartwright, Sir M. Bowell, 675 ; M. agreed to, 675 ; in Com., B. rep. from Com. (Mr. Domville),715 ; 3rd R., 717 ; R.A., 1011 (c. 28).

(145) An Act to amend the Criminal Code (Mr. Scott). Int., 810 ; 2nd R., 859; in Com., 874-876 ; B. rep. from Com. (Mr. Comeau), 876 ; 3rd R.*, 886 ; R.A., 1011 (c. 8).

(146) An Act to amend the Statute Law in its application to the provinces of Saskatchewan and Alberta (Mr. Scott). Int., 910 ; 2nd R., 956 ; in Com., B. rep. from Com. (Mr. Young), 957 ; 3rd R.*, 957 ; R.A., 1011 (c. 45).

(147) An Act to amend the Winding-Up Act (Mr. Scott). Int., 1st R., 810; 2nd R., 831; in Com., B. rep. from Com. (Mr. Bostock), 870; 3rd R.*, 874; R. A., 1011 (c. 51).

(148) An Act to amend Sshedule A of the Revised Statutes 1906 (Mr. Scott). Int., 1st R., 758; M. 2nd R. (Mr. Scott), 802; rem., Mr. Lougheed, Mr. Ferguson, M. agreed to, 803; in Com., B. rep. from Com. (Mr. Coffey), 836; 3rd R.*, 874; R. A., 1011 (c. 44).

(159) An Act to increase the borrowing powers of the Quebec Harbour Commissioners (Mr. Scott). Int., 1st R., 910; 2nd R., 928; in Com., 928-930, 968, 969; B. rep. from Com. (Mr. Sullivan), 969; in Com. B. rep. from Com. (Mr. Wood), 1,000; 3rd R.*, 1000; R. A., 1012 (c. 36).

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(161) An Act to amend the Act of the present Session incorporating the Residential Fire Insurance Company (Mr. Sullivan). Int., 1st R., 810; 2nd and 3rd R., 859; R. A., 1011 (c. 42).

(165) An Act to amend the Customs Act (Mr. Scott). Int., 910; 2nd R., 930; in Com., 957-964; B. rep. from Com. (Mr. Baker), 964; 3rd R.*, 964; R. A., 1011 (c. 10).

(166) An Act to provide for further advances to the Harbour Commissioners of Montreal (Mr. Scott). Int., 1st R., 910; M. 2nd R. (Mr. Scott), 930; rem., Mr. Lougheed, Mr. Ferguson, 931; Mr. McMullen, Mr. Lougheed, Mr. Domville, 932; Mr. Béique, Mr. Lougheed, 933; Mr. Scott, Sir M. Bowell, 934; Mr. Kerr, 935; Mr. Gibson, Mr. Power, 936; Mr. Owens, M. 2nd R. agreed to, 937; in Com., B. rep. from Com. (Mr. Bolduc), 964; 3rd R.*, 964; R. A., 1011 (c. 30).

(169) An Act to authorize a loan to the Quebec Bridge and Railway Company (Mr. Scott). M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, 1004; M. agreed to, 1005; M. 3rd R. (Mr. Scott), 1005; rem., Mr. Landry, 1008; M. agreed to, 1010; R. A 1012 (c. 35).

(171) An Act to amend the Exchequer Court Act (Mr. Scott). Int., 938; 2nd R., 3rd R.*, 968; R. A.. 1012 (c. 15).

(172) An Act to repeal the Act of the present Session, entituled an Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make Surveys therein (Mr. Scott). Int., 910; 2nd R., 937; in Com., B. rep. from Com. (Mr. Poirier), 965; 3rd R.*, 965; R. A., 1012 (c. 13).

(173) An Act respecting bounties on iron and steel made in Canada (Mr. Scott). Int., 1st R., 910; M. 2nd R. (Sir R. Cartwright), rem., Mr. Lougheed, Sir M. Bowell, 965; M. agreed to, 966; M. 3rd R. (Sir R. Cartwright), rem., Sir M. Bowell, Mr. Bostock, M. agreed to, 966; R. A., 1012 (c. 24).

(174) An Act to amend the Act respecting the manufacture of Binder Twine in Canada (Mr. Scott). Int., 910 ; 2nd R., 937 ; in Com., 967 ; B. rep. from Com. (Mr. Gibson), 3rd R.*, 968 ; R.A., 1012 (c. 5).

(175) An Act to amend the Canada Shipping Act (Mr. Scott). Int., 938 ; 2nd R., 3rd R.*, 968 ; R.A., 1012 (c. 47).

(177) An Act to amend the Judges Act (Mr. Scott). Int., 952; 2nd R., 3rd R.*, 970; R.A., 1012 (c. 25).

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(178) An Act to authorize the granting of certain subsidies in aid of the Railways therein mentioned (Mr. Scott). Int., 952; M. 2nd R. (Mr. Scott), 1000 ; rem., Mr. Landry, Sir M. Bowell, 1001 ; Mr. McMullen, Mr. Landry, M. agreed to, 1003; 3rd R., 1004 ; R.A., 1012 (c. 40).

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